

**TOWN OF BERWICK  
ZONING ORDINANCE**

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**ARTICLE 1**  
**TITLE OF ORDINANCE, AUTHORITY/INTENT, ESTABLISHMENT OF DISTRICTS,**  
**PROVISION FOR OFFICIAL MAP**

**Section 1.01. Title.**

This ordinance shall be known as and may be cited and referred to as the “Berwick Zoning Ordinance.

**Section 1.02. Statement of Authority and Intent.**

These zoning provisions and zoning districts, as herein established, have been established for the purpose of promoting the health, safety, morals, and the general welfare of the community and in consideration of the Master Plan for the Town of Berwick. The provisions have been designed to lessen congestion on streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These provisions have been made with reasonable consideration among other things, to the character of the district, and its peculiar suitability for the particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

**Section 1.03. Area of Jurisdiction.**

The provisions of this ordinance shall apply to all lands within the boundaries of the Town of Berwick, as such boundaries exist or may exist in the future.

**Section 1.04. Establishment of Districts.**

All the area within the corporate limits of Berwick, Louisiana is hereby divided into districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. These districts are as follows:

R-1 Single Family Residential

R-2 Two-Family Residential

R-3 Multi-Family Residential

R-4 Condominiums and Townhouses

R-5 Mobile Home Parks

I-1 Institutional Districts

B-1 Local Business

B-2 Highway Business

B-3 Central Business

M-1 Light Industry

M-2 Heavy Industry

**Section 1.05. Identification of Zoning Map.**

The official zoning map of Berwick shall be identified by the signature of the Mayor of Berwick, and attested to by the Berwick town clerk, such signatures following statement: This is to certify that this is the Official Zoning Map referred to in Section 1.05 of the Berwick Zoning Ordinance.

**Section 1.06. Changes in the Zoning Map.**

Changes made in the district boundaries or other matter portrayed on the official zoning map in accordance with the provisions of this ordinance shall be made on the official zoning map promptly after the zoning amendment has been approved by the Berwick Town Council. It will be the duty of the Berwick town clerk to record the district boundary change on the official zoning map, together with the number of the amending ordinance and the date of its passage, within five (5) days. Regardless of the existence of maps purported to be copies of the official zoning map, the final authority as to the current zoning status of land, buildings, and other structures shall be the official zoning map which shall be located in the clerk's office in the ~~city~~ **town hall**.

**Section 1.07. Changes in the Zoning Text.**

When an ordinance is adopted which amends the text of the zoning ordinance, it will be the duty of the town clerk to prepare an addendum to the zoning ordinance. It will be the duty of the town clerk to stamp "Amended, see addendum # \_\_\_\_\_" over each amended section to the zoning text for all undistributed copies of the text.

**Section 1.08. Rules for Interpretation of District Boundaries.**

A. Where uncertainty exists as to the boundaries shown on the official zoning map, the following rules apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such lines.

2. Boundaries indicated as approximately following platted lot lines, shall be construed as following such lot lines;

3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change of the shore line, shall be construed as moving with the actual shoreline;

6. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;

7. Where the street or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) above, the board of adjustments shall interpret the district boundaries.

**Section 1.09. Division of Lot by District Boundary.**

Where a district boundary divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restrictive district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restrictive district.

**ARTICLE 2  
GENERAL PROVISIONS**

**Section 2.01. Application of regulations.**

A. Except as provided in this ordinance:

1. No structure or land shall hereafter be used and/or occupied and no structure or part thereof shall be erected, reconstructed, converted, removed, or structurally altered unless in conformity with the regulations as set forth in this ordinance. However, structures which are legally nonconforming with respect to yard areas or height may be structurally altered or enlarged providing the portion of the structure which is altered or the portion of the structure which is added is in conformity with the provisions of this ordinance.

2. No land use shall be operated unless in conformity with the regulations prescribed by this chapter.

3. Every use, unless expressly exempted by this chapter, shall be operated entirely within a completely enclosed structure.

**Section 2.02. Only One (1) Principal Building on Any Lot.**

Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record which abuts at least one (1) public street and in no case shall there be more than one (1) main building and its customary accessory buildings on one (1) lot unless otherwise provided for in this ordinance.

**Section 2.03. Reduction in Lot Area Prohibited.**

No lot shall be reduced in area so that yards, lot area per family, building area, or other requirements of this ordinance are not maintained.

**Section 2.04. Required Yards Cannot Be Used By Another Building.**

No part of a yard, parking space, or other open space required for any building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or parking space required under this ordinance for another building.

**Section 2.05. Classification of Annexed Territory.**

1. Territory hereafter annexed into the Town of Berwick, and not previously regulated by this ordinance, shall be in the R-1 (Single Family Residential) District until and unless changed in accordance with the amendment procedure set forth herein.

2. New zoning districts and regulations within the Town shall be enacted by ordinance for the purpose of promoting the health, safety and general welfare of the community and consistent with the statement of authority and intent set out in section 1.02. Such new regulations and districts shall not require compliance with the amendment procedures herein contained but shall require public hearing and recommendation by the zoning and land use commission prior to consideration by the Berwick Town Council.

3. Amendments to existing zoning districts and the regulations contained in this Chapter shall comply with the provisions of Article 15 of this ordinance.

**Section 2.06. Obstruction to Vision at Street Intersections Prohibited.**

On corner lots in all districts except B-3 General Business, within the area formed by the centerlines of the intersecting street and a line adjoining points on such centerline at a distance of eighty (80) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half feet (3½') and a height of ten feet (10') above the average grade of each street at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

**Section 2.07. Contiguous Lots Below Area Requirements Considered as Single Parcel.**

If two (2) or more lots or combination of lots and portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lots involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

**Section 2.08. Regulations of Area Underwater.**

All areas with the planning region which are underwater and are not shown, as included within any district shall be subject to all regulations of the district adjacent to the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be

construed to extend into the water area in a straight line. In the event the water area is a stream canal, bayou, or river, the adjacent districts extend to the centerline of the water area.

**Section 2.09. Provisions of Ordinance Declared to be Minimum Requirements.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the highest standards shall apply.

**Section 2.10. Home Occupations Permitted.**

A. **Home Occupation Defined.** In general, any business or commercial activity carried out for financial gain within a dwelling unit by the occupant of the dwelling unit, provided: (a) the activity is clearly incidental and subordinate to the use of the dwelling unit as a residence; (b) is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling; and (c) is located in a residential district.

1. This term, as applied to the R-1 Districts, shall have the following definition: An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling, and further provided, that the occupation is incidental to the residential use of the premises and does not utilize more than twenty-five (25) percent of the floor area of the dwelling. Home occupations shall include, in general, personal services such as those furnished by a physician, dentist, musician, artist, cosmetician, or seamstress when performed by the person occupying the building as his or her private dwelling, and shall not include the employment of any additional persons in the performance of such services. Home occupations shall also include such other occupations as constitute personal services and are of a nature similar to any of those herein specified.

2. This term, as applied to the R-2 and R-3 Districts, shall have the following definition: An occupation for gain or support conducted by a member or members of a family residing in a dwelling and conducted entirely within the dwelling, provided that, except for such sales as are customarily within the specific occupations hereinafter set forth, no article is sold or offered for sale except such as may be produced by a member or members of the family residing in the dwelling and his or its employee, and further provided, that the occupation is incidental to the residential use of the premises and does not utilize more than thirty-five (35) percent of the floor area of the dwelling. Home occupations shall include the occupations of physician, attorney, dentist, musician, artist, cosmetician, beautician, seamstress, tailor, real estate agent, insurance agent, civil, electrical, mechanical, chemical and petroleum engineer, geologist, urban planners

and accountants when performed by the person occupying the building as his or her private dwelling. Home occupations shall also include such other occupations as constitute personal services and are of a nature similar to any of those herein specified. The person or persons engaged in a home occupation and occupying the building in which such occupation is pursued as his, her or their private dwelling may have not more than one (1) person who is not a resident in such dwelling employed in such home occupation and working within such dwelling.

B. Signs used to advertise such home occupations shall be no larger than four (4) inches wide and eighteen (18) inches long and shall not be of the neon or flashing variety.

C. Approval of home occupations by the Zoning Commission and Mayor and Council shall in accordance with the zoning district provisions in which the home occupation is located, as stipulated herein.

**Section 2.11. Tables are a Part of this Ordinance.**

Height, area, and bulk regulations and off-street parking regulations contained in Table 1--Parking Space Requirements, and Table 2--Height, Area, and Yard Requirements, are hereby declared to be a part of this ordinance.

**ARTICLE 3**  
**NONCONFORMING STRUCTURES AND LAND USES**

**Section 3.01. Intent.**

If within the districts established by this ordinance, or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before the adoption or amendment of this ordinance, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these nonconforming uses to continue but not to, encourage their survival. Such uses are declared by the ordinance to be incompatible with permitted uses in the districts involved.

**Section 3.02. Nonconforming Uses of Land and/or Structures.**

A. Any use of a structure and/or land existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued subject to the following provisions:

1. The use of the building and land cannot be changed to another nonconforming use.

2. If the nonconforming use has ceased for a period of six (6) continuous calendar months, it shall not be reestablished, provided that if the lessee of any building or place used or occupied for nonconforming purposes under a bona fide lease shall at any time before the expiration of said lease discontinue occupancy or use of said building or land, it shall not be considered vacant until the owner of said building or place shall again obtain control of its occupancy and use. This exception shall not apply, however, if the lessor for any reason be entitled legally to regain possession and does not by legal or other effective means attempt to do so.

3. A nonconforming building shall not be rebuilt after damage exceeding seventy-five (75) per cent of the fair sales value of the building immediately prior to damage.

4. A nonconforming use of a building or portion thereof, or land or portion thereof, shall not be extended or enlarged except in conformity with this ordinance. "Extended" is construed to include attachment of signs or display material on land outside of the building, or the attachment of racks, balconies, or other projections from the buildings, providing, however, that dwellings which are nonconforming only as to height and/or yard areas may be structurally altered or enlarged as provided in Section 2.01 of Article 2 of this ordinance.

**Section 3.03. Repairing Nonconforming Buildings and Completing Construction of Nonconforming Buildings.**

A. Nothing in this ordinance shall be deemed a prohibition against strengthening or restoring to a safe condition a building or portion thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official.

B. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastening these materials in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

**Section 3.04. Nonconforming Lots of Record.**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot which is of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the area requirements for the district, provided, however, that the building placed upon said lot shall conform to the yard requirements of the district as closely as possible in the opinion of the board of adjustment.

**Section 3.05. Building Setback Variances.**

A. Building and improvement setbacks (or yard requirements) for new construction of a main building within the area of the town described below shall be permitted to match other main buildings to provide a consistent line of sight. The setback (or yard requirements) shall be applicable to new buildings in the front yard of properties and on a corner lot for both front yard and side yard setbacks (or yard requirements). The setback (or yard requirements) shall conform to existing buildings and apply only to new construction in the event of the replacement of an existing main building. The setback (or yard requirements) shall be interpreted to allow a variance from the town's general setback requirements (or yard requirements) and the individual variance permitted will not change any other zoning restrictions that are in force.

B. The boundaries of the physical area of the town for which this setback (or yard

requirements) shall be permitted are:

1. From the seawall at the end of Gilmore Drive to Francis Street, along Francis St. to Fifth Street, along Fifth Street across Hwy 182 to California Street; then to Sixth Street, along Sixth Street to Utah Street; then along Utah Street to Seventh Street across the railroad tracks to Oregon Street; then along Oregon Street to Sixth Street to Johnson's Alley. From there to Fourth Street and then across to Third Street, along Third Street to Jeddo Street to the seawall, along the seawall to its junction at the end of Gilmore Drive.

**ARTICLE 4**  
**OFF-STREET PARKING, LOADING AND UNLOADING**

**Section 4.01. Applicability.**

A. *Provision and Maintenance Required.* No land shall be used or occupied, no structure shall be erected, altered, used or occupied and no use shall be operated unless the off-street parking facilities required in this article are provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking facilities in excess of the amounts heretofore required by law need be neither provided nor maintained for land, structures or uses actually used, occupied and operated on the effective date of the ordinance from which this section derives unless, after such date, such land, structures or uses are enlarged, expanded or changed, in which event the land, structures and uses hereby excluded shall not be used, occupied or operated unless there is provided, for the increment only of such land, structures and uses, and maintained as herein required, at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure or use. The provision and maintenance of the off-street parking facilities herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure in which, is located the use for which off-street parking facilities are required to be provided and maintained.

**Section 4.02. Minimum Size of Parking Spaces.**

A. *Size and Location.* Each off-street parking space shall be an area of appropriate dimensions of not less than one hundred eighty (180) square feet net, exclusive of access or maneuvering area, ramps and other appurtenances. Except as otherwise permitted under special plan for location or sharing of facilities, off-street parking facilities shall be located on the building site on which the use or structure for which they are provided is located; required off-street parking for dwelling uses shall not occupy any part of a required front yard, except in an R-1 and R-2 District, which may use the driveway for one (1) of the two (2) required parking spaces. In R-3, R-4, and R-5 Zoning Districts, the front yard may not be used for parking.

**Section 4.03. Construction Requirements.**

A. *Maintenance.* Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

1. *Drainage and Surfacing.* Off-street parking facilities shall be hard surfaced with concrete or pavers, be properly designed and constructed to facilitate adequate drainage, and maintained in good condition, free of weeds, dust, trash, and debris.

2. Lighting. Off-street parking facilities shall be so arranged that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic;

3. Entrances and Exits. Off-street facilities shall be provided with entrances and exits so located as to minimize traffic congestion;

4. Equal Accessibility. All spaces must have equal access to the street, except in the R-1 zoning district.

**Section 4.04. Parking space requirements.**

The amount of specified off-street automobile parking space shall be provided on any lot on which any of the following uses as shown in Table 1 are established. Parking space shall be provided on a lot accommodating any use listed in Column 1, when located in a district listed on Column 2, and in the amount listed in Column 3.

**Section 4.05. Location or sharing of parking facilities.**

A. *Special plan for location or sharing of facilities.* Under the standard provisions of this article, off-street parking facilities are required to be provided on the same building site as the use or structure for which the facilities are provided and are required to be provided, in an amount based on the listed requirement for the individual use or structure. Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking facilities may be located on a site other than the one occupied by the use or structure for which the facilities are provided; also, two (2) or more uses may share the same off-street parking facilities, and each of such uses may be considered as having provided such shared space individually.

1. *Limitations on sharing facilities.* No use shall be considered as individually having provided off-street parking facilities which are shared with one (1) or more other uses unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as any other use sharing them.

2. *Applications for approval of special plan.* An application of a special plan hereunder shall be filed with the office of zoning administrator by the owner or owners of the entire land area to be included within the special plan, the owner or owners of all structures then existing on such land area and all encumbrancers of such land area and structures, and additionally, shall contain sufficient evidence to establish that the applicants are all the owners and encumbrancers of the designated land area and structures. The application shall contain

such information required by this chapter or reasonably deemed necessary by the office of zoning administrator and shall include plans showing the location of the uses or structures for which the off-street parking facilities are required and the location at which the off-street parking facilities are proposed to be located.

3. *Review of application.* Applications hereunder shall be reviewed by the office of zoning administrator and either approved or disapproved within fifteen (15) days after receipt thereof; any approval may establish conditions and limitations.

4. *Registration of special plan.* Upon approval of a special plan, a copy of such plan shall be registered among the records of the office of zoning administration and shall thereafter be binding upon the applicants, their heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.

5. *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan comply with all regulations established by this chapter and unrelated to the special plan.

#### **Section 4.06. Off-street loading and unloading.**

No land shall be used or occupied and no structure shall be erected or structurally altered for commercial or industrial uses in which commodities are sold, displayed, stored, serviced, repaired, altered, or fabricated as the principal use of the establishment unless off-street loading spaces required herein are provided. Such loading spaces, however, are not required for any commercial or industrial structure or use existing at the time of the enactment of this ordinance unless such structure or use is enlarged or structurally altered.

The off-street loading spaces required by this ordinance shall be located in all cases on the same lot or parcel of land as the use or structure they are intended to serve. In no case should any required loading space be part of an area used to satisfy off-street parking requirements of this ordinance.

For each commercial or industrial establishment required to provide off-street loading space, at least one (1) loading space with an area of at least two hundred (200) square feet shall be provided. If the commercial or industrial structure contains over one thousand (1000) square feet of gross floor area, two (2) off-street loading spaces shall be provided. In such case,

one (1) space shall be at least two hundred (200) square feet in area, and the other space shall be at least four hundred fifty (450) square feet in area with a minimum overhead clearance of fourteen (14) feet, if the loading space is sheltered by a roof.

**TABLE 1  
PARKING SPACE REQUIREMENTS**

<b>Use Category</b>	<b>District Location</b>	<b>Spaces Required</b>
Single Family, Two Family, Three or More Family, Condominiums, Apartments, Town Houses	All Zoning Districts	2 Spaces for each dwelling unit
Hotel, Motel, Tourist Home, Rooming or Boarding House	All Zoning Districts	1 Space per room
Church, Temple, Auditorium, Gym, Convention Hall, Stadium	All Zoning Districts	1 Space for each 8 Seats provided in such place of public assembly
Theater	Central Business District	1 Space for each 10 Seats
	All Other Zoning Districts	1 Space for each 8 Seats
Industrial, Vocational, or Trade School, High School, or Business School	All Zoning Districts	3 Spaces for each classroom or laboratory and if auditorium for public assembly is provided, 1 space for each 8 Seats provided in Auditorium
Elementary or Junior High School	All Zoning Districts	1 Space for each classroom or laboratory plus 10 spaces for cafeteria and office personnel, and if auditorium for public assembly is provided, 1 space for each 8 Seats provided in Auditorium
Private Club, Country Club, and Lodge	All Zoning Districts	1 Space for each 200 square feet of floor area in clubhouse or main building
Public Library, Museum, Art Gallery, or Community Center	All Zoning Districts	10 Spaces minimum, plus 1 additional space for each 200 square feet of floor area over 2000 square feet
Restaurant and Other Establishments for Consumption of Food or Beverage on the Premises	Central Business District	1 Space for every 100 square feet of floor area
	All Other Zoning Districts	1 Space for every 100 square feet of floor area
Hospital	All Zoning Districts	1 Space for every 2 beds in hospital available for hospital patients
Animal Hospital	All Zoning Districts	1 Space for every 200 square feet of floor area
Medical Clinic or Doctor's Office	All Zoning Districts	1 space for each 80 square feet of floor area in clinic or office

<b>Use Category</b>	<b>District Location</b>	<b>Spaces Required</b>
Home for the Aged, Nursing Home, or Convalescent Home	All Zoning Districts	1 Space for each 6 rooms provided for single or double occupancy
Furniture or Appliance Store, Machinery, Equipment and Auto and Boat Sales and Service	All Zoning Districts	1 Space for each 400 square feet of floor area in building
Funeral Parlor	All Zoning Districts	1 Space per 50 square feet of floor area
General Service Establishments, Printing, Repair, Plumbing, Heating, Laundry, Dry Cleaning	All Zoning Districts	1 Space for each vehicle used directly in conducting the business plus 1 additional space for each 1000 square feet of floor area
Retail Shops and Stores, Professional Service Offices, Banks	All Zoning Districts	1 Space per 200 square feet of floor area
Amusement Places such as Dance Halls, Skating Rinks, Swimming Pools, Bowling Alleys	All Zoning Districts	1 Space per 100 square feet of floor area or pool area
Manufacturing or Industrial Plants such as Creamery, Bottling Plant, Wholesale Warehouse and Similar Establishments	All Zoning Districts	1 Space for each vehicle used directly in carrying on the operation and 1 space for each 3 employees
Convents and Monasteries	All Zoning Districts	1 Space for each 4 rooms provided for living quarters or 1 space for each 400 square feet of floor space in building, whichever is greater
Dormitories Fraternities, and Sororities	All Zoning Districts	1 Space per 400 square feet of floor area

**Section 4.07. Parking facilities requiring fifty or more spaces.**

A. If the minimum number of off-street parking facilities required by this article is fifty (50) or more spaces, special review procedures shall apply as follows:

1. *Exemption from review.* Developments which require review by the zoning commission under Article 13, Section 13.08, planned building groups, or planning approval are exempt from review under this section.

2. *Application for approval.* An application for approval of a parking facilities plan shall be filed with the office of zoning administration by the owner and developer of the property in question. The application shall contain such information required by this chapter or reasonably deemed necessary by the office of zoning administration and shall include plans showing the location of the uses or structures for which off-street parking facilities are proposed to be located.

3. *Administrative examination* Upon receipt of an application for approval of a plan for parking facilities providing for fifty (50) or more spaces, properly and completely made out, the office of zoning administration shall examine the application and make such investigation as is necessary. Within fifteen (15) days of the receipt of an application, the office of zoning administration shall transmit the application in triplicate, together with its report and recommendation, to the Zoning Commission. The Zoning Commission may also transmit a copy of the application to any department or agency which might be affected by the approval of the application, and such department or agency may transmit its report and recommendation to the Zoning Commission within the review time period specified.

4. *Review by zoning commission.* The Zoning Commission shall review each application and shall approve or disapprove the parking plan within thirty-five (35) days after receipt of such application by the commission; approval may establish conditions and limitations. The Zoning Commission shall then return the application, together with its report of approval or disapproval, to the office of zoning administration, and the office of zoning administration shall notify the applicant of the approval or disapproval of the parking plan by the zoning commission.

**Section 4.08. Off-Street Parking Driveways (entrances and exits).**

A. Except as provided for in Articles 7B and 18, the following provisions regarding the design and location of driveways shall apply:

1. All off-street parking facilities on or for properties along major traffic routes, as designated herein, shall be provided with driveways (entrances and exits) so located as to result in no undue interference with or hazard to free movement of normal traffic and to prevent vehicles from backing into streets, other than residential driveways serving two-family dwellings or less. When possible, entrances and exits shall be developed on two (2) or more frontages to facilitate traffic movement on through streets and to minimize congestion.

2. The permissible number, arrangement, and width of driveways (entrances and exits) are governed by the frontage of abutting private property. The number of driveways should be the minimum number required to adequately serve the needs of abutting property uses. Nonresidential uses of frontages of less than seventy-five (75) feet are limited to:

a. One (1) two-directional driveway or

b. Two (2) one-directional driveways (minimum twelve (12) feet wide), and must comply with all other requirements. Where two (2) drives are provided for one (1) frontage, the distance between drives measured along the right-of-way line shall not be less than:

<b>Use</b>	<b>Minimum Distance Between Drives (feet)</b>
<b>Residential</b>	12 Feet
<b>Nonresidential</b>	20 Feet

Normally not more than two (2) drives shall be provided to any single property frontages or business establishment. When more than two (2) are necessary to facilitate operations, the minimum distance between drives shall be increased to one hundred (100) feet. In the case of a corner property with frontage on two (2) or more streets and requiring driveways on more than one (1) frontage, the minimum distance between two (2) drives on one (1) frontage may be reduced to seventy-five (75) feet but must meet all other requirements.

3. The driveway width should be adequate to handle properly the anticipated volume and type of traffic and shall conform within the range of dimensions below, measured at the narrowest point parallel to right-of-way.

<b>Driveway Width (feet)</b>		
<b>Use</b>	<b>Minimum</b>	<b>Maximum</b>
<b>Residential</b>	10 Feet	20 Feet
<b>Nonresidential one-directional use</b>	12 Feet	20 Feet
<b>Nonresidential two-directional use</b>	18 Feet	30 Feet

4. Radius of curves at the junction of a driveway and the street pavement must not be greater than the frontage boundary line clearance and shall be developed within the following dimensions:

<b>Curve Radius (feet)</b>			
<b>Use</b>	<b>Desirable</b>	<b>Minimum</b>	<b>Maximum</b>
<b>Residential</b>	2 Feet	5 Feet	10 Feet
<b>Nonresidential</b>	5 Feet	10 Feet	30 Feet

Driveways shall be positioned to clear the frontage boundary lines (side lot line extension) by a distance equal to or greater than the radius of curve at the junction of the driveway and the street pavement.

5. Corner clearance at an intersecting street is the dimension measured along the edge of the pavement between a point opposite the intersection of the street right-of-way lines and the tangent projection of the nearest edge of the driveway, and shall be a twenty-foot minimum. The driveway radius shall in no case extend beyond the intersecting street right-of-way line. Entrances and exits from nonresidential properties opposite "T" intersections shall coincide with the intersecting streets or be offset one hundred twenty-five (125) feet from center line to center line. When a bridge culvert crossing an overpass, underpass, tunnel or similar obstruction occurs within the right-of-way from which a driveway has access, that driveway shall offset the obstruction by a minimum of one hundred and twenty-five (125) feet measured from the nearest point. If the number of paved driving lanes within the frontage right-of-way should increase or decrease, driveway curb openings shall not be permitted nearer to any part of that transition area than twenty-five (25) feet.

6. If this subsection is applicable to property with a lesser frontage dimension than needed to meet the minimum standards established in this subsection and such property was subdivided and held in separate ownership prior to the adoption of the ordinance from which this subsection derives, one (1) driveway access to the property shall be permitted upon approval of location by the zoning commission.

7. The following is a listing of major traffic routes:

LA Hwy. 182  
U. S. Highway 90

**ARTICLE 5**  
**R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**Section 5.01. R-1 Districts—Single Family Residential.**

These districts are composed mainly of areas containing one-family dwellings and open areas where similar residential development seems likely to occur; few two-family and multiple-family dwellings are found in these areas. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities, to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met. Within all R-1 Residence Districts, as shown on the official zoning map, the following regulations apply:

**Section 5.02. Uses permitted.**

A. *Uses by Right.* The following uses shall be permitted within the R-1 Residence District:

1. Single-family dwellings;
2. Parks, playgrounds, and community buildings owned or operated by city, state, or federal agencies;
3. Private gardens and nurseries for the propagation and cultivation of plants only when said plants, flowers, or produce are not offered for sale;

B. *Uses Requiring Planning Approval.* The uses listed below are permitted, upon approval of the location and site plan thereof by the Zoning Commission and Mayor and Council as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Cemetery.

Church, religious assembly, including parish house, community house, and educational buildings.

Fire station.

Golf course, but not including commercial miniature courses or commercial driving ranges (need not be enclosed within structure).

Home occupation.

Library (public).

Pipeline or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards, and team tracks (need not be enclosed within structure).

Water storage (need not be enclosed within structure).

C. *Special Exception Uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring zoning approval; in addition, the uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment, in accordance with the provisions of Article 14 governing special exceptions:

Armories--military (reserves or National Guard).

Nursing homes.

Electric substation (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the zoning commission as being equally satisfactory for meeting enclosure requirements).

Gas regulator station (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry material or a fencing material in lieu of brick may be approved by the zoning commission as being equally satisfactory for meeting enclosure requirements).

Nursery, day care center, or kindergarten.

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.

Water or sewage pump station.

**Section 5.03. Height, area, and yard requirements.**

See Table 2

**ARTICLE 6**  
**R-2 MULTI-FAMILY RESIDENTIAL—LOW DENSITY DISTRICT**

**Section 6.01. R-2 Multi Family Residential—Low Density District.**

These districts are composed of areas containing one-family and two-family dwellings. In many instances there is evidence of a trend toward increased density through conversion of single units to duplexes or apartments. The town house, the single-family home, and the double home would characterize the low-density development of this district. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities, to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, and to prevent crowding of the land by requiring certain minimum yard and area standards to be met.

**Section 6.02. Uses Permitted.**

A. *Uses by Right.* The following uses shall be permitted within R-2 Zoning Districts:

1. Any use permitted in R-1 Residence Districts;
2. Two-family dwellings;
3. Institutions of religious, educational, charitable, or philanthropic nature, but not penal or mental institutions;
4. Signs not exceeding two (2) square feet in area, of a temporary character, and pertaining to the offering for rent of rooms in the main building;

B. *Uses Requiring Planning Approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission and Mayor and Council as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Cemetery.

Church, religious assembly, including parish house, community house, and educational buildings.

Fire station.

Golf course, but not including commercial miniature courses or commercial driving ranges (need not be enclosed within structure).

Home occupation.

Library (public).

Pipeline or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards, and team tracks (need not be enclosed within structure).

Water storage (need not be enclosed within structure).

C. *Special Exception Uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring zoning approval; in addition, the uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustments in accordance with the provisions of Article 14 governing special exceptions:

Armories--military (reserve or National Guard)

Nursing homes.

Electric substation (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the zoning commission as being equally satisfactory for meeting enclosure requirements).

Gas regulator station (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry material or a fencing material in lieu of brick may be approved by the zoning commission as being equally satisfactory for meeting enclosure requirements).

Residential/mobile home.

Nursery, day care center, or kindergarten.

Library, public.

School, elementary and/or secondary, meeting all requirements of the compulsory education law of the state.

Water or sewage pump station.

B. *Uses Requiring Planning Approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission and Mayor and Council as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Cemetery.

Church, religious assembly, including parish house, community house, and educational buildings.

Fire station.

**Section 6.03. Height, area, and yard requirements.**

See Table 2

**Section 6.04. Supplemental height, area, and yard requirements.**

Each lot shall have front, side, and rear yards not less than the following depths and widths:

Front Yard ..... 20 Feet

Side Yards:

- a. Side yard width (combined width of both side yards)..... 10 Feet  
Minimum width of either side yard ..... 5 Feet
- b. On corner lots the side yard on that side abutting the side street shall not be less than ..... 8 Feet

Rear Yard..... 20 Feet

Lot Area per Family: The minimum lot area requirements are as follows:

Minimum Required Lot Area for 1-Family Dwelling Unit:  
..... 6000 Square Feet  
Minimum Required Lot Area for Two, 1-Family Dwelling Units:  
..... 7200 Square Feet

**ARTICLE 7**  
**R-3 MULTI-FAMILY RESIDENTIAL—HIGH DENSITY DISTRICT**

**Section 7.01. R-3 Multi-Family Residential—High Density District.**

These districts are composed mainly of areas containing a mixture of one-family, two-family and multiple-family dwellings; in many R-3 zoning districts there is evidence of a trend towards increased population density through conversion of large houses into duplexes or apartments and through use of remaining vacant land for apartment buildings. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities, to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, to prevent overcrowding of the land by requiring certain minimum yard and other spaces for all buildings and to avoid excessive population density by requiring certain minimum building site areas for dwelling units.

**Section 7.02. Uses Permitted.**

A. *Uses by Right.* The following uses shall be permitted within R-3 Zoning ~~Residence~~ Districts:

1. Any use permitted in R-2 Zoning Districts;
2. Multiple family dwelling units;
3. House trailers, mobile homes, or trailer coaches for dwelling purposes, provided each trailer serving as a dwelling unit is located on a separate lot which complies with the area requirements of the R-3 Residence District. In any residential district, house trailers or mobile homes may not be placed on a lot and used for dwelling purposes when there exists on the same lot another house trailer used for dwelling purposes, or any other residential structure.
4. Nursing and convalescent homes;
5. Fraternities, sororities, private clubs, and lodges with the exception of those whose chief activity has a service customarily carried on as a business;

B. *Uses Requiring Planning Approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the zoning commission and Mayor and Council as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or

creating a traffic hazard and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Cemetery.

Church, religious assembly, including parish house, community house, and educational buildings.

Fire station.

Golf course, but not including commercial miniature courses or commercial driving ranges (need not be enclosed within structure).

Home occupation.

Pipeline or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards, and team tracks (need not be enclosed within structure).

Water storage (need not be enclosed within structure).

C. *Special Exception Uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring zoning approval; in addition, the uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustments in accordance with the provisions of Article 14 governing special exceptions:

Armories--military (reserve or National Guard)

Electric substation (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the zoning commission as being equally satisfactory for meeting enclosure requirements).

Gas regulator station (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry material or a fencing material in lieu of brick may be approved by the zoning commission as being equally satisfactory for meeting enclosure requirements).

Nursery, day care center, or kindergarten.

Library, public.

School, elementary, and/or secondary, meeting all requirements of the compulsory education law of the state.

**Section 7.03. Height, area, and yard requirements.**

See Table 2

**ARTICLE 7A**  
**R-4 CONDOMINIUM AND TOWN HOUSE DISTRICT**

Within all R-4 Condominium and Town House Districts, as shown on the official zoning map, the following regulations shall apply:

**Section 7A.01. Uses Permitted.**

The following uses shall be permitted within R-4 Condominium and Town House Districts:

1. Row houses-condominiums;
2. Row houses-town houses;
3. Any use permitted in the R-3 Residence District;

**Section 7A.02. Height, area, and yard requirements.**

See Table 2

**Section 7A.03. Supplemental height, area, and yard requirements.**

1. Plans and development for row houses shall be approved in the manner set forth for subdivision approval in the subdivision ordinance of the Town of Berwick, Louisiana.
2. Only row houses may be built in a subdivision designated for such and construction of same must be undertaken within six (6) months of final subdivision approval.
3. Row housing may be built with common or party walls and no side yards will be required except that one (1) side yard of not less than five (5) feet shall be provided for each unit located at the end of a row and ten (10) feet if the row ends on a side street; other minimum yard and minimum lot size requirements shall be as specified in the zoning schedule (Table 2).
4. Two (2) parking spaces of eight and one-half (8½) feet by twenty (20) feet per dwelling with a minimum yard area of two hundred (200) square feet per living unit exclusive of building projections, parking areas or driveways shall be provided. Any parking, play areas or other areas or facilities located in common areas not subdivided into individual row house lots shall have the maintenance provided for in a manner acceptable to the mayor and council of the Town of Berwick or their duly authorized representatives.

**ARTICLE 7B**  
**R-5 MOBILE HOME PARK DISTRICTS**

Within all R-5 Mobile Home Park Districts, as shown on the official zoning map, the following requirements shall apply:

**Section 7B.01. Uses permitted.**

The following uses shall be permitted within the R-5 Mobile Home Park Districts:

1. Mobile Home Parks;
2. Any use permitted in R-4 District;

**Section 7B.02. Height, area, development, use, and yard requirements.**

The following minimum standards shall apply to all mobile home parks or trailer parks:

1. Twenty (20) feet shall be the minimum spacing between the longest sides of adjacent mobile homes or trailers placed in any mobile home park or trailer park;
2. Five (5) feet shall be the minimum spacing between the ends of mobile homes or trailers parked end to end as well as a minimum of five (5) feet of space between any parts of any mobile home or trailer and the exterior property line. A setback of twenty (20) feet from any public thoroughfare which is contiguous to and accessible from the mobile home park or trailer park is required.
3. A minimum of an eighteen (18) feet driveway shall be provided. Each lot must be contiguous and accessible to a driveway.
4. A minimum of ten (10) feet of space between the front of the mobile home or trailer and the driveway shall exist.
5. Each space must have an approved sewerage, water, and electrical hookup. Natural gas hookups are optional.
6. Any mobile home park or trailer park with more than twenty (20) parking spaces for mobile homes or trailers shall provide in no more than two (2) separate plots, one-half (1/2) acre of recreational space for each multiple of twenty (20) parking spaces or major portion thereof.

7. Any dead-end road or street or driveway in a mobile home park or trailer park that is longer than two hundred ten (210) feet must provide an adequate cul-de-sac or other turnaround acceptable to the **zoning administrator** or town engineer.

8. No utility shed or other accessory building or any extension constructed onto any mobile home or trailer may extend to within five (5) feet of any other mobile home, trailer, or accessory structure on an adjoining mobile home, trailer lot, or exterior lot line.

9. No fence may be constructed within five (5) feet of any other mobile home or trailer. As an exception and only with the written consent of both mobile home owners and the written consent of the owner of mobile home Park, fences may be constructed to enclose common area between trailers. A gate will be provided to separate the fence at the five (5) foot line to comply with the intent of the ordinance. Chain link fence is the preferred material for construction. The maximum height of any fence shall be six (6) feet.

10. Wooden fences may be permitted only with the written approval of owner of the mobile home park and review by building official.

11. All fences will be constructed in such a manner that the enclosed area is readily accessible to emergency equipment.

12. No structures (sheds, fences, dog pens, etc.) will be permitted to be constructed on utility right-of-ways.

**ARTICLE 7C**  
**I-1 INSTITUTIONAL DISTRICTS**

**Section 7C.01. Uses permitted.**

The following uses shall be permitted within I-1 Institutional Districts:

1. Single family dwellings;
2. Parks, playgrounds and community buildings owned or operated by city, state or federal agencies;
3. Public libraries or museums;
4. Public schools both elementary and high or private schools having a curriculum essentially the same as ordinarily offered in a public elementary school or public high school, and private or public nursery schools or kindergartens;
5. Private recreational uses such as tennis courts, swimming pools and golf courses operated exclusively for private use and not for commercial purposes;
6. Churches and temples;
7. Private gardens and nurseries for propagation and cultivation of plants only when said plants, flowers, or produce are not offered for sale;
8. Home occupations (see Section 2.11, Article 2);
9. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involved in the conduct of a business;
10. Bulletin boards for churches, temples, institutions, or public buildings only and signs not exceeding twelve (12) square feet in area pertaining to the rental, lease, or sale of a building or land, provided, however, that no more than one sign of the above character shall be permitted on any lot;
11. The renting of one room for the accommodation of not more than two (2) persons providing the room is not equipped with cooking facilities and provided further that no boarding arrangements are made;
12. Institutions of a religious, educational, charitable, or philanthropic nature but not

penal or mental institutions;

13. Nursing and convalescent homes;

14. Fraternities, sororities, private clubs, and lodges with the exception of those whose chief activity has a service customarily carried on as a business;

15. Bed and breakfast facility;

**ARTICLE 8**  
**B-1 LOCAL SHOPPING DISTRICT**

**Section 8.01. B-1 Local Shopping Districts.**

These districts are composed of land and structures occupied by or suitable for furnishing the retail goods, such as groceries and drugs, and the services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Often located on one (1) or more thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residential districts. It is intended that additional neighborhood commercial districts will be created in accordance with the amendment procedure set forth herein, as they are needed to serve new residential areas. To insure that such new districts are actually developed to supply the business needs of the neighborhoods, the amendment creating the district may set a time limit for its development. Within all B-1 Local Shopping Districts, as shown on the official map, the following regulations shall apply:

**Section 8.02. Uses Permitted.**

A. *Uses by Right.* The following uses shall be permitted in B-1 Local Shopping Districts:

- Accessory Use.
- Administrative and Business Offices.
- Ambulance Services.
- Amusement Arcade.
- Animal Kennels.
- Animal Sales and Services (Limited).
- Armories-Military (Reserve or National Guard).
- Art and Craft Studio.
- Automotive Fuel Station.
- Bed and Breakfast.
- Business Support Services.
- Car Wash.
- Cemetery.
- Clinic.
- Clinic, Animal.
- Club, Private.
- Communications Services.

Congregate Housing.  
Consumer Repair Services.  
Convalescent Home.  
Convenience Store.  
Convent.  
Country Club.  
Cultural Services.  
Day Care Centers, Preschools, Nursery Schools.  
Dormitory.  
Exterminating Services.  
Financial Services.  
Food Sales.  
Fraternity/Sorority Residence.  
Funeral Home.  
Garage, Private.  
Garden Center.  
Governmental Buildings (local, state, federal)  
Grocery Store, Retail.  
Health Club.  
Home for the Aged.  
Laboratory, medical or dental.  
Laundry Services-Coin-operated.  
Laundry Services, Neighborhood.  
Medical Services.  
Monastery.  
Nursing Home.  
Outdoor general advertising structure (need not be enclosed within structure).  
Parking Facilities.  
Personal Services.  
Public Safety Services.  
Restaurant liquor sales (to be consumed on premises) provided that eighty (80) percent of structure usage is for the preparation and consumption of food.  
Restaurants-Drive-in.  
Restaurants-Fast Food.  
Restaurants-Sit-Down.  
Retail Sales-Convenience  
Retail Sales-General  
Schools-Public and Private Secondary Educational Facilities.  
Shopping Center, Neighborhood.  
Theatre, Indoor.  
Utilities, Minor.

Wireless Facility.

**Section 8.03. Uses requiring planning approval.**

The uses listed below are permitted upon approval of the location and site plan thereof by the mayor and council and subject to such safeguards, terms, and conditions as this body may establish after receiving a report from the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district, and all

Church, Religious Assembly, including parish house, community house, and educational buildings.

Pipeline or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards, and team tracks (need not be enclosed within structure).

**Section 8.04. Prohibited Uses.** Residential/Mobile Home Park; Residential/Mobile Home; Gaming Establishments; Garages, public; all marine services; shopping centers—major; stables, private; taverns, bars, or lounges; hotels/motels; truck and heavy equipment sales/rental/service;

**Section 8.05. Special Exception Uses.** The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the Board of Adjustment, in accordance with the provisions of Article 14 governing special exceptions:

Liquor Sales (Not to be Consumed on Premises).

**Section 8.06. Height, area, and yard requirements.**

See Table 2

**ARTICLE 9**  
**B-2 HIGHWAY BUSINESS DISTRICT**

**Section 9.01. B-2 Districts—Highway Business.**

These districts are composed of land and structures used to furnish, in addition to the retail goods and services found in local shopping districts, such less frequently needed goods as clothing and automobiles and such less frequently needed services as banking and theaters, the wider range of retail goods and services to satisfy all of the household and personal needs of the residents of a group or community of neighborhoods. Usually located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are large and are within convenient driving distance of the group of neighborhoods they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard standards to be met, standards that are comparable to those called for in residential districts. It is intended that additional highway business districts will be created in accordance with the amendment procedure set forth herein, as they are needed to serve groups of new neighborhoods. To insure that such districts are actually developed to supply the business needs of the groups of neighborhoods, the amendment creating the district may set a time limit for its development. Within the B-2 Highway Business Districts, as shown on the official zoning map, the following regulations shall apply:

**Section 9.02. Uses permitted.**

A. *Uses by Right.* The following uses shall be permitted within B-2 Highway Business Districts:

- Any use permitted in B-1 Local Shopping District;
- Accessory Use.
- Administrative and Business Offices.
- Adult Uses/Materials.
- Agriculture.
- Agricultural Sales and Services.
- Ambulance Services.
- Amusement Arcade.
- Animal Kennels.
- Animal Sales and Services (Limited).
- Armories-Military (Reserve or National Guard).
- Art and Craft Studio.
- Automotive Sales and Rentals.
- Automotive and Equipment Repair.

Automotive Fuel Station.  
Automotive Service Station.  
Bed and Breakfast.  
Boarding Houses.  
Business Support Services.  
Business or Trade School.  
Campgrounds.  
Car Wash.  
Cemetery.  
Clinic.  
Clinic, Animal.  
Club, Private.  
College and University Facilities.  
Communications Services.  
Concrete Statues, Handiwork.  
Congregate Housing.  
Construction Sales and Services.  
Consumer Repair Services.  
Convalescent Home.  
Convenience Store.  
Convent.  
Country Club.  
Cultural Services.  
Day Care Centers, Preschools, Nursery Schools.  
Dormitory.  
Exterminating Services.  
Farm Equipment Sales and Service.  
Financial Services.  
Flea Markets.  
Food Sales.  
Fraternity/Sorority Residence.  
Funeral Home.  
Garage, Public.  
Garage, Private.  
Garage, Repair.  
Garage, Storage.  
Garden Center.  
Governmental Buildings (local, state, federal)  
Grocery Store, Retail.  
Health Club.  
Home for the Aged.

Hospital.  
Hotel/Motel.  
Laboratory, medical or dental.  
Laundry Services-Coin-operated.  
Laundry Services-Commercial  
Laundry Services, Neighborhood.  
Kennel, Commercial.  
Marine Services-Boat Sales/Service.  
Marine Services-Commercial and Charter Fishing.  
Marine Services-Retail.  
Marine Services-Yacht Clubs.  
Medical Services.  
Monastery.  
Nursery-Plant.  
Nursing Home.  
Outdoor general advertising structure (need not be enclosed within structure).  
Outdoor Storage.  
Packing and Processing, Limited.  
Parking Facilities.  
Personal Services.  
Public Safety Services.  
Recreation-Indoor Sports.  
Recreation-Commercial Outdoor Sports.  
Restaurants-Drive-in.  
Restaurants-Fast Food.  
Restaurants-Outdoor Fast Food.  
Restaurants-Sit-Down.  
Retail Sales-Convenience.  
Retail Sales-General.  
Seafood Store, Retail.  
Schools-Public and Private Secondary Educational Facilities.  
Schools-Vocational-Technical, Community, Trade or Industrial.  
Shopping Center, Neighborhood.  
Shopping Center, Major.  
Self-Storage Warehouse containing rented storage spaces with individual unit area not exceeding seven hundred fifty (750) square feet.  
Shopping Center, Major.  
Taxidermy.  
Tavern, Bar, Lounge.  
Telecommunications Tower.  
Theatre, Indoor.

Truck and Heavy Equipment Sales/Rental/Service.  
Utilities, Minor.  
Warehouse Storage and Distribution, Light.  
Wholesale Trade.  
Wireless Facility.

**Section 9.03. Uses requiring planning approval.**

The uses listed below are permitted upon approval of the location and site plan thereof by the mayor and council and subject to such safeguards, terms, and conditions as this body may establish after receiving a report from the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district, and all surrounding properties, in which the use is located.

Church, Religious Assembly, including parish house, community house, and educational buildings.

Dwellings, two-family;

Dwellings, three and four family;

Dwellings, more than four family;

Condominiums

Townhouses;

Pipeline or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards, and team tracks (need not be enclosed within structure).

Revival church (temporary), as a temporary use on a permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewable for not more than three (3) such periods.

Theater, outdoor (need not be enclosed within structure).

**Section 9.04. Prohibited Uses.** Residential/Mobile Home Park; Residential/Mobile Home; Gaming Establishments, Adult Night Clubs, and Truck Stops;

**Section 9.05. Special Exception Uses.** The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the Board of Adjustment, in accordance with the provisions of Article IX governing special exceptions:

Recreation-Outdoor Entertainment, but not car racing tracks/facilities.

**Section 9.06. Height, area, and yard requirements.**

See Table 2.

**TABLE 2  
HEIGHT, AREA, AND YARD REQUIREMENTS**

DISTRICT	AREA REQUIREMENTS	LOT WIDTH	SETBACK REQUIREMENTS	HEIGHT LIMITS	
R-1 (Single Family Residential)	1-Family	6000 sq. ft	50' At Front Setback	Front: 20'	35'
	Churches	1 Acre		Side: 5'	
	All Other Uses	10,000 sq. ft.		Side Abutting Street: 15'	
R-2 (Two-Family Residential)	1-Detached Single Family Unit	6000 sq. ft	50' At Front Setback	Front: 20'	35'
	1 <sup>st</sup> Two Units	7200 sq. ft.		Side: 5'	
	Churches	1 Acre		Side Abutting Street: 15'	
R-3 (Multi-Family Residential)	1-Detached Single Family Unit	6000 sq. ft	50' At Front Setback	Front: 20'	35'
	1 <sup>st</sup> Two Units	7200 sq. ft.		Side: 5'	
	Each Additional Unit	2000 sq. ft.		Side Abutting Street: 15'	
R-4 (Condominium Townhouses)	Churches	1 Acre	18' At Front Setback for Condos and Townhouses	Front: 20'	50'
	1 <sup>st</sup> Two Units	7200 sq. ft.		Side: 5 <sup>1</sup>	
	Each Additional Unit	2000 sq. ft.		Side Abutting Street: 15'	

<sup>1</sup> Row houses may be built with common or party walls and no side yards will be required except that on side yard of not less than 5' shall be provided for each unit located at the end a row and 15' if the row ends on a side street.

	Condominium and Townhouse	1500 sq. ft.	50' At Front Setback for All Other Residential Uses			
	All Other Uses	10,000 sq. ft.				
<b>R-5 (Mobile Home Parks)</b>	See Article 7-B		See Article 7-B	See Article 7-B		See Article 7-B
<b>Commercial Districts</b>						
	1-Detached Single Family Unit	6000 sq. ft.				
<b>B-1 (Local Shopping)</b>	1st Two Units	7200 sq. ft.	50' At Front Setback	Front: Side: Side Abutting Street: Rear:	20' 5' <sup>2</sup> 15' 20'	35'
	Each Additional Unit	2000 sq. ft.				
	All Other Uses	5,000 sq. ft.				
	1-Detached Single Family Unit	6000 sq. ft.				
<b>B-2 (Highway Business)</b>	1st Two Units	7200 sq. ft.	50' At Front Setback	Front: Side: Side Abutting Street: Rear:	30' 5' <sup>3</sup> 15' 20'	50'
	Each Additional Unit	2000 sq. ft.				
	All Other Uses	5,000 sq. ft.				
	1-Detached Single Family Unit	6000 sq. ft.				
<b>B-3 (Central Business)</b>	1st Two Units	7200 sq. ft.	None	Front: Side: Rear:	None <sup>4</sup> None 20'	70'
	Each Additional Unit	2000 sq. ft.				
	All Other Uses	None				

<sup>2</sup> Commercial buildings may be constructed on side lot lines and have a common wall with another building, however, if not constructed on the side lot line, there must be a minimum of 5' side yard setback. Commercial structures built adjacent to any residential district must provide a minimum side yard setback of 10'.

<sup>3</sup> Commercial buildings may be constructed on side lot lines and have a common wall with another building, however, if not constructed on the side lot line, there must be a minimum of 5' side yard setback. Commercial structures built adjacent to any residential district must provide a minimum side yard setback of 10'.

<sup>4</sup> Commercial buildings may be constructed on side lot lines and have a common wall with another building, however, if not constructed on the side lot line, there must be a minimum of 5' side yard setback. Commercial structures built adjacent to any residential district must provide a minimum side yard setback of 10'.

<b>Industrial Districts</b>					
<b>M-1 (Light Industrial)</b>	<b>10,000 sq. ft.</b>	<b>None</b>	<b>Front:</b>	<b>30'</b>	
			<b>Side:</b>	<b>10'</b>	<b>50'</b>
			<b>Side Abutting Street:</b>	<b>15'</b>	
			<b>Rear:</b>	<b>30'</b>	
<b>M-2 (Heavy Industry)</b>	<b>10,000 sq. ft.</b>	<b>None</b>	<b>Front:</b>	<b>30'</b>	
			<b>Side:</b>	<b>10'</b>	<b>100'</b>
			<b>Side Abutting Street:</b>	<b>15'</b>	
			<b>Rear:</b>	<b>30'</b>	

**ARTICLE 10**  
**B-3 CENTRAL BUSINESS DISTRICT**

**Section 10.01. B-3 Central Business District.**

This district is composed of land and structures used to furnish, in addition to all of the retail goods and services required by transients and by residents of the town and of the trade area, certain wholesale and limited manufacturing in support of the main uses. Located at the convergence of the principal thoroughfares and highways, the Central Business District is surrounded by nonresidential districts and multiple-family residential districts. The district regulations are designed to permit the further development of the district for its purpose, subject to limitations designed to prevent the further congestion of the area that would result from overly intensive development. Within all B-3 Central Business Districts, as shown on the official zoning map, the following regulations shall apply:

**Section 10.02. Uses permitted.**

A. *Uses by Right.* The following uses shall be permitted within B-3 Central Business Districts:

- Any use permitted in B-1 Local Shopping Districts and B-2 Highway Business Districts with the exception of animal hospitals, building material yards, and freight terminal;
- Accessory use.
- Administrative and Business Offices.
- Amusement Arcade.
- Art and Craft Studio
- Automotive and Equipment Repair.
- Automotive, Fuel Station.
- Automotive, Service Station.
- Bar-Tavern-Lounge.
- Bed and Breakfast.
- Business Support Services.
- Business or Trade School.
- City Hall, Police Station, Courthouse, Federal Building, Other Governmental Buildings.
- Clinic.
- Club or Lodge (Private).
- Communications Services.
- Construction Sales and Services.
- Consumer Repair Services.
- Convenience Store.

Financial Services.  
Food Sales.  
Gaming, Except that Gaming Establishments Are Expressly Prohibited.  
Garage, Parking.  
Health Club.  
Hospital (General).  
Hotel/Motel  
Laboratory, Medical or Dental.  
Liquor Sales, not to be consumed on premises.  
Medical Services.  
Parking Facilities.  
Personal Services.  
Postal and Parcel Delivery Services.  
Public Safety Services.  
Recreation-Indoor Entertainment.  
Residential, Accessory.  
Residential/Single-Family Residential.  
Residential/Duplex Residential.  
Residential/Two-Family Residential.  
Residential/Townhouse Residential.  
Residential/Condominium Residential.  
Residential/Multiple-Family Residential.  
Restaurants-Sit-down.  
Retail Sales-Convenience  
Retail Sales-General  
Schools-Public and Private Primary and Middle Educational Facilities.  
Theatre.  
Utilities, Minor including gas regulator stations (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the Zoning Commission, as applicable, as being equally satisfactory for meeting enclosure requirements).  
Electric substations (need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the Zoning Commission and/or Historic District Commission, as applicable, as being equally satisfactory for meeting enclosure requirements).  
Wholesale Trade.  
Wireless Facility.

**Section 10.03. Uses requiring planning approval.**

The uses listed below are permitted upon approval of the location and site plan thereof by the mayor and council and subject to such safeguards, terms, and conditions as this body may establish after receiving a report from the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district, and all surrounding properties, in which the use is located.

None

For the purposes of the provisions of this article, row house, mobile homes, and mobile home parks are expressly prohibited within this zoning district.

**Section 10.04. Height, area, and yard requirements.**

See Table 2 and Section 13.01 of Article 13, "Supplementary Height, Area, Yard, and Use Regulations." Buildings newly constructed or renovated, which are located in any business zoning district, and which the intended use is residential, shall comply with the yard and area requirements of the R-4 Zoning District.

**ARTICLE 11**  
**M-1 LIGHT INDUSTRY ZONING DISTRICTS**

These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts. Within all M-1 Light Industry Districts, as shown on the official zoning map, the following regulations shall apply:

**Section 11.01. Uses permitted.**

A. *Uses by Right.* The following uses shall be permitted within M-1 Light Industry Districts:

Any use permitted in the B-1, B-2, and B-3 Districts with the exception of the uses permitted in the R-1, R-2, R-3, R-4, and R-5 Zoning Districts;

Accessory structures for use as dispatcher/security guard quarters/office;

Agricultural sales and services;

Air conditioning sales and service;

Animal sales and services;

Aquaculture;

Arenas and auditoriums;

Armory;

Automobile filling station and/or repair; but not including commercial wrecking, dismantling, or auto salvage yard; (Need not be enclosed within a structure, except that all related repair and reconditioning activities must be enclosed within a structure.)

Automobile and truck maintenance shops and garages;

Automobile and truck sales, rentals, and/or repair but not including commercial wreckage, dismantling, or auto salvage yard; (Need not be enclosed within a structure, except that all related repair and reconditioning activities must be enclosed within a structure.)

Automobile and truck laundry, including steam cleaning;

Automobile and truck body repair;

Bakeries, wholesale;

Boat/yacht sales and service; (Need not be enclosed within a structure, except that all related repair and reconditioning activities must be enclosed within a structure.)

Book publishing plants;

Boot and shoe manufacturers;

Bottling works;  
Cabinet maker's shops;  
Campers, dealers and repair services; (Need not be enclosed within a structure, except that all related repair and reconditioning activities must be enclosed within a structure.)  
Candy manufacturers;  
Canning and preserving manufacturers;  
Canvas products manufacture;  
Cap and hat manufacturer;  
Carnival or circus, as temporary use on a permit issued by the Zoning Administrator, such permit to be good for a period not exceeding three (3) days and renewable for not more than three (3) such periods. (Need not be enclosed within a structure);  
Carpenter shops;  
Carpet cleaning shops;  
Clock factories;  
Clothing manufacturers;  
Coffin manufacturers;  
Concrete burial vault companies;  
Contractor machinery and equipment storage;  
Creameries, wholesale;  
Dairies, wholesale;  
Delivery services;  
Dental laboratories;  
Diving equipment sales, service, and manufacturing;  
Electrical repair shops;  
Electric substation, need not be enclosed within a structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substation or fencing material in lieu of brick may be approved by the Zoning Commission as being equally satisfactory for meeting enclosure requirements;  
Electrical sign manufacturers;  
Electronic equipment sales and services;  
Elevator sales and services;  
Enameling and painting shops;  
Engine sales and repairs, including power motors and engine/motor components and parts; (Need not be enclosed within a structure, except that all related repair and reconditioning activities must be enclosed within a structure.)  
Engraving plants;  
Envelope manufacturer;  
Express storage and delivery stations;  
Feed stores; wholesale;  
Fire protection, equipment supplies, sales and service;

Food products manufacturer;  
Garment factories;  
Gas (illuminating or heating) storage/regulating stations, need not be enclosed within a structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet in height and adequate to obstruct the view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick is approved by the Zoning Commission as being equally satisfactory for meeting enclosure requirements;  
Ice cream manufacturer;  
Jewelry manufacturer;  
Laboratory;  
Laundry;  
Laundry, linen supply, or diaper service;  
Lumber yards, (storage of lumber and building materials need not be enclosed within a structure.)  
Machine shop;  
Machine shop;  
Machinery, tools and construction equipment sales and service;  
Mail order house;  
Millinery and artificial flower making plants;  
Millwork and similar wood products manufacturer;  
Mineral water distillation and bottling plants;  
Mini-warehouse;  
Motorcycle sales and repair shop;  
Moving companies with storage facilities;  
Nursery, plant;  
Office;  
Office equipment and supply manufacturer;  
Office trailers or prefabricated office structures;  
Oil well supplies and machinery sales and repair; (Need not be enclosed within a structure, except that all related repair and reconditioning activities must be enclosed within a structure.)  
Optical goods manufacturers;  
Organ and piano manufacturer;  
Outboard motor sales and repair;  
Outdoor advertising sales;  
Packaging services;  
Paint shops;  
Painting and decorating contractor;  
Paper products companies;  
Phonograph and electronic manufacturers;

Photoengraving companies;  
Pipe storage, sales, and service; (Need not be enclosed within a structure, except that all related repair and reconditioning activities must be enclosed within a structure.)  
Plastics fabrication;  
Plumbing shop and supplies;  
Produce warehouses and markets;  
Inter and intra state commerce pipeline pumping stations, need not be enclosed within a structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet in height and adequate to obstruct the view and passage of persons or materials, provided that the substitution of other masonry materials or fencing material in lieu of brick must be approved by the Zoning Commission as being equally satisfactory for meeting enclosure requirements;  
Recycling collection point;  
Restaurant supplies and sales;  
Roofing and sheet metal shop;  
Rug cleaning plants;  
Seed companies;  
Self-Storage warehouse;  
Sheet metal shops;  
Shirt factories;  
Shoe store, wholesale;  
Shoe manufacturer;  
Sign shop;  
Soda water manufacturers;  
Sporting goods manufacturers;  
Small animal clinic and kennels;  
Sporting goods store, wholesale;  
Taxidermist;  
Telecommunications Tower;  
Telephone exchanges;  
Telephone substations;  
Tire sales and repair shops;  
Tools, sales, and service, including electric hand and pneumatic, but does not include manufacturing;  
Toy manufacturers;  
Trade school;  
Transfer companies; baggage storage;  
Uniform supply;  
Upholstery manufacturers;  
Wallpaper manufacturers;  
Warehouse, storage, and distribution, light;

Watch manufacturers;  
Water companies appurtenances including water towers;  
Welding shops;  
Wholesale and wholesale warehousing;  
Window manufacturers;  
Wireless facility;  
Wood products manufacturers;  
Woodworking shops;  
Uses similar in character to the above listed uses;  
Garages, storage;

**Section 11.02. Uses requiring planning approval.**

The uses listed below are permitted upon approval of the location and site plan thereof by the mayor and council and subject to such safeguards, terms, and conditions as this body may establish after receiving a report from the zoning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district, and all surrounding properties, in which the use is located.

Dwellings, two-family;  
Dwellings, three and four family;  
Dwellings, more than four family;  
Condominiums  
Townhouses;  
Residential Mobile Homes;  
Residential Mobile Home Parks;

**Section 11.03. Height, area, and yard requirements.**

A. *Building site area.* The minimum building site area in an M-1 Light Industrial Zoning District shall be ten thousand (10,000) square feet.

B. *Building height limit.* No building shall exceed one hundred (100) feet in height. However, those buildings in the M-1 District which exceed fifty (50) feet in height must be set back from all lot lines one (1) foot for each additional foot of height over fifty feet (50').

C. *Yards required.* Except as provided for in paragraph B of this section and Article 12, the minimum dimensions of yards shall be:

Front Yard: 30 Feet

Side Yard: 10 Feet

Rear Yard: 30 Feet

Except that a rear yard abutting on a public alley or waterway need only be ten (10) feet in depth, and a rear yard abutting on a lot in a residential or commercial district shall have the same minimum depth as a rear yard required in the abutting district.

**ARTICLE 12**  
**M-2 HEAVY INDUSTRY DISTRICTS**

These districts are composed of land and structures used for heavy manufacturing and related activities suitable for such uses. Located for convenient access from existing and future arterial thoroughfares and railway lines, these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers. Where adjacent to residential areas, some type of artificial separation may be required. The district regulations are designed to permit the development of the district for almost any industrial use, subject to the minimum regulations necessary for the mutual protection of the uses.

**Section 12.01. Uses permitted.**

A. *Uses by Right.* The following uses shall be permitted within M-2 Heavy Industry Districts:

- Air products manufacturer;
- Automobile manufacturer;
- Automobile/truck storage;
- Automobile/truck manufacturer;
- Automobile/truck body repair;
- Boiler and tank works;
- Brewery;
- Broom manufacturer;
- Carting, express, crating, hauling and storage;
- Cigar manufacturer;
- Cigarette manufacturer;
- Cold storage plant;
- Condensed milk manufacturer;
- Cotton ginning and bailing;
- Diesel engine repair;
- Detergents, soaps, and by-products using animal fat manufacturer;
- Electrical power plants;
- Feed manufacturers;
- Food products manufacturers;
- Foundry;
- Freight depot, railway, and/or truck;
- Frozen food plant;
- Fruit and vegetable dyeing plants;
- Glass manufacturers;

Glass products manufacturer from glass stock;  
Hair products manufacturer or processing;  
Hardware manufacturer;  
Ice manufacturers;  
Mattress manufacturing and rebuilding;  
Metal sharpening;  
Milk depots, wholesale;  
Milk bottling plants;  
Paper can and tub manufacturing;  
Paper sack manufacturers;  
Perfume manufacturers;  
Railroad facilities;  
Refrigerator manufacturers;  
Saddle manufacturers;  
Sand, gravel, and limestone storage yards;  
Sawmill and planing mill;  
Screw and bolt manufacturers;  
Silk manufacturers;  
Soda and washing compound manufacturers;  
Stone cutting;  
Street railway yards and other appurtenances;  
Thermometer manufacturers;  
Tinsmith shops;  
Tool manufacturers;  
Trailer manufacturers;  
Trailer sales (including modular homes);  
Transit vehicles storage and servicing;  
Trunk manufacturers;  
Wire brush manufacturers;  
Woven goods manufacturers;  
Garages, storage;

**Section 12.02. Conditional use permitted.**

A. Other uses in the M-2 District may be permitted, provided the use is not in conflict with any other ordinance and provided further that such uses are approved by the mayor and council and subject to the safeguards as this body may establish after receiving a report and recommendation from the Zoning Commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other

public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district:

Abrasives manufacturer;  
Acetylene gas manufacturer and/or storage;  
Acid manufacturer;  
Airports, land fields, landing strips for aircraft and hangars with repair facilities;  
Alcohol distillation and/or storage;  
Ammonia bleaching powder and chlorine manufacturer;  
Asphalt products manufacturer;  
Barge and marine vessel terminals;  
Battery manufacturer;  
Boat and marine vessel building and repair;  
Caustic soda manufacturing, distribution, and warehousing;  
Celluloid manufacturer;  
Cement, lime, gypsum, or plaster of paris manufacturer;  
Chemicals (heavy or industrial) manufacturer and/or processing;  
Cosmetic manufacturers;  
Cotton compress;  
Disinfectant, insecticide, or poison manufacturer;  
Distillation of bones, plants;  
Dog pound;  
Drug manufacturer;  
Dry docks for marine vessel construction and repair;  
Explosives, manufactured and stored;  
Fat rendering plants;  
Felt manufacturer;  
Fertilizer manufacturer;  
Flour and grain storage elevators;  
Fuel gas storage stations;  
Fungicides manufacturers;  
Garbage, offal, dead animal reduction plants, dumping yards;  
Gas manufacturers;  
Glue manufacturers;  
Grain drying or feed manufacturer from refuse, mash, or grain;  
Grain elevators;  
Grain milling, storage, and elevators;  
Graphite manufacturers;  
Incinerator;  
Insulation manufacturer or fabrication;  
Junk and salvage yards and recycling sites;

Linoleum manufacturers;  
Metal/steel products fabrication/galvanizing;  
Petroleum or its products refining;  
Plastics manufacturers;  
Potash works;  
Seafood processing and packaging, including pogy plants and fish meal plants;  
Sewage disposal plant;  
Shoe polish or stove polish manufacturers;  
Smelters of tin, copper, zinc, or iron ores;  
Stock yards or slaughter houses;  
Sugars and starches manufacturers;  
Syrup manufacturers;  
Tar distillation or manufacturers;  
Vulcanizing shops;  
Wharves;  
Wholesale gasoline and diesel storage and distribution yards;  
Wood preserving by creosote or other impregnation treatment;  
Worsted good manufacturers;  
Any other use which would be deemed objectionable or obnoxious because of danger from explosion or creation of smoke, fumes, odors, gas, noise, vibration, and similar conditions.

B. In approving the above-listed uses the Mayor and Council will be guided by the following standards:

1. Any use which emits odors, gas or dust which are unpleasant, obnoxious, or injurious to health, will be required to design and construct necessary buildings, enclosures, filtering systems, or other facilities necessary for eliminating or reducing the intensity or concentration of such odors and/or dust to a level which will not be detrimental to residential districts located close to a particular use. In determining what is "detrimental," inspection of similar facilities operating in other locations with particular attention to the appearance and condition of adjacent residential areas will assist the governing body in making a determination. Study of court decisions involving cases where damage has been claimed by residents living near such odor or dust emitting plants may be used as an instrument to interpret this paragraph.

2. Proper provision must be made for storage of raw materials and wastes to prevent unsanitary conditions or the breeding of flies, insects, and rodents. A safeguard against such conditions may be the requirement to store such materials in tight buildings or bins.

3. If the industrial operation requires aboveground storage of explosive materials, the

industry may be required to acquire sufficient land area surrounding the plant to minimize danger to people and property adjacent to the industry. A similar requirement may be established for an industry engaging in an activity which creates noise or vibrations.

**Section 12.03. Height, area, and yard requirements.**

A. *Building site area.* The minimum building site area in an M-2 Heavy Industry Zoning District shall be ten thousand (10,000) square feet.

B. *Building height limit.* No building shall exceed one hundred (100) feet in height. However, those buildings in the M-2 District which exceed fifty (50) feet in height must be set back from all lot lines one (1) foot for each additional height.

C. *Yards required.* Except as provided for in paragraph B of this section and Article 13, the minimum dimensions of yards shall be:

Front Yard: 30 Feet

Side Yard: 10 Feet

Rear Yard: 30 Feet

Except that a rear yard abutting on a public alley or waterway need only be ten (10) feet in depth, and a rear yard abutting on a lot in a residential or commercial district shall have the same minimum depth as a rear yard required in the abutting district.

**ARTICLE 13**  
**SUPPLEMENTARY HEIGHT, AREA, YARD, AND USE REGULATIONS**

The regulations set forth in this article qualify or supplement the district regulations appearing elsewhere in this ordinance.

**Section 13.01. Exceptions for combined residential and commercial and/or industrial use.**

Buildings located in commercial or industrial districts which are designed for or used for both residential purposes and commercial and/or industrial purposes must comply with the yard and open space requirements of the R-3 Residence District if fifty (50) per cent or more of the total floor area or the building is used for dwelling purposes. If less than fifty (50) per cent of the floor area of such a building is used for dwelling purposes, then the building will comply with the area and open space requirements of nonresidential building in the district.

**Section 13.02. Exceptions and modifications to height regulations.**

A. The height limitations of this ordinance shall not apply to:

- Belfries
- Chimneys
- Church spires
- Conveyors
- Cooling towers
- Cupolas
- Derricks
- Fire towers
- Flag poles
- Monuments
- Observation towers
- Radio and television towers, antennas, or aerials
- Smoke stacks
- Tanks
- Transmission towers
- Water towers

B. Public and semipublic or public service buildings, hospitals, institutions, or schools may exceed the height limitations of the district in which the building is located provided that for each foot of height above the maximum permitted for the districts, the required side and rear yards shall be increased by one (1) foot.

**Section 13.03. Exceptions and modifications to yard and open space requirements.**

1. More than one (1) main institutional, public, semipublic, commercial, or industrial building may be located upon a lot or tract, provided that no such building or portion thereof is located outside the buildable area of the lot.

2. Every part of a required yard shall be open to the sky, except where accessory buildings are permitted in a rear or side yard and except for the ordinary projection of sills, belt courses, cornices, and ornamental features projecting not more than eighteen (18) inches; however, a roof, gutter or eave may project to the extent of four (4) feet into a required side yard if a minimum distance of three (3) feet remains open to the sky.

3. Movable awnings may be placed over doors or windows in any required yard, but such awnings shall not project closer than two (2) feet to any lot line or be vertically supported.

4. A canopy attached to a building with no other support may project into a required side yard provided that this projection is at least three (3) feet away from the nearest side lot line. Also, canopies may be located in required front or side yards adjacent to streets on lots occupied by churches, schools, hospitals, clinics, funeral parlors, hotels, public buildings, and institutions of philanthropic, educational, religious or charitable nature. Such canopies may be supported by other means than the building. When canopies project over a public sidewalk, the canopy must have a clearance of at least seven and one-half (7½) feet above the sidewalk.

5. Where a right-of-way has been established by the city planning commission for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the building line.

6. Except as otherwise provided in these regulations, on through lots, the required front yard shall be provided on each street.

7. Where a lot is located at the intersection of two (2) or more streets, there shall be a yard of ten (10) feet on the side street; provided, however, that said front yard on the side street need not exceed the average front yard established by other buildings in the block which fronts on the side street and further provided that the buildable width of a lot of record at the time of the passage of these regulations shall not be reduced to less than twenty four (24) feet.

8. Open, unenclosed porches, raised platforms or raised paved terraces not covered by a roof or canopy, and which do extend above the level of the first floor of a building, or a maximum of five (5) feet above grade, may extend or project into the front or side yard not more than ten (10) feet.

9. For the purpose of the side yard and lot frontage regulations, a two-family, three-family, or four-family dwelling, a group or town houses, a multiple family dwelling, electric substation, telephone exchanges, or telephone repeater structures for public utility purposes shall be considered as one building occupying one (1) lot.

10. A carport, attached to or detached from the main building may be constructed in a required side yard or front yard and may be attached to an enclosed accessory building provided that no wall of such accessory building is less than forty (40) feet from the front lot line nor less than three (3) feet from the side lot line and/or the front lot line; that the combined length of such carport and accessory building does not exceed forty (40) feet; and that the height of such carport or accessory building does not exceed thirteen (13) feet. A carport attached to the main building shall be unenclosed on the street side and on the side nearest the side lot line. A carport detached from the main building or extending into the front yard shall be unenclosed on the street side and on both sides approximately paralleling the side lot line.

11. Where a side or rear yard(s) is not required, but is provided, such yard(s) shall not be less than three (3) feet in width paralleling the side lot line.

12. Temporary buildings, used in connection with construction work only may be located in any district during the period of construction, but such temporary buildings shall be removed upon completion of such construction work.

13. The following uses may be located in any district when approved by the Board of Adjustments and subject to such safeguards as the Board may establish:

- Fire stations
- Police stations

14. Agricultural uses of land and/or buildings on tracts of ten (10) acres or more shall be excluded from the provisions of this ordinance.

**Section 13.04. Accessory buildings and structures.**

1. Except as hereinafter provided, (for a corner lot see paragraph 3 of this section), an accessory building may be built in a required side yard, provided such accessory building is not less than forty (40) feet from the front lot line nor closer than three (3) feet from the nearest interior side lot line. On through lots, an accessory building may be built in the required side yard if no part of such accessory building is less than three (3) feet from the nearest interior side lot line and no portion of such building is located in either required front yard.

2. Accessory buildings may be built in required rear yards, but such accessory buildings shall not occupy more than forty (40) per cent of the required rear yard, provided in any case where accessory buildings are not built on the side or rear lot lines such accessory buildings shall not be located closer than three (3) feet from either side or rear lot line.

3. On corner lots where a side yard or a front yard on a side street is required there shall be a minimum distance between any accessory building and the side street line equivalent to the required side yard on the side on the side of the lot abutting the side street. Where a lot adjoining the rear of a corner lot fronts on the side street, no part of any accessory building on the corner lot shall within fifteen (15) feet of the common lot line shall project beyond the prolongation of the front yard line of the lot in the rear, provided, however, that this limitation shall not reduce the length of the buildable area of the accessory building to less than twenty (20) feet. The side street is defined as the street upon which the corner lot has its greatest dimensions. However, the **zoning administrator** may rule otherwise by considering the pattern of development in the particular block.

4. Except as otherwise provided in this ordinance, accessory buildings or structures permitted in a required rear or side yard by this ordinance shall not exceed fourteen (14) feet in height.

5. Accessory buildings may project from the required rear yard into a required side yard on or approximately parallel to an interior side lot line, provided no portion of the accessory building is located more than twenty-five (25) feet from the rear property line.

6. The combined gross floor area of all accessory buildings or portions thereof located in the required side and rear yards shall not exceed forty (40) per cent of the required rear yard area nor shall more than one (1) accessory building cover any part of the required side yard.

7. Filling station pumps and pump islands, without canopies or with canopies attached to the main building, may occupy the required yards; provided however that pumps, pump islands, and canopies are not less than fifteen (15) feet from street lines.

8. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard provided they are not located closer than six (6) feet to a rear lot line or ten (10) feet to an interior side lot line. A walk space at least three (3) feet wide shall be provided between the pool walls and protective fences or barrier walls.

9. Storage of boat, boat trailer, utility trailer, or camping trailer is permitted in any district. However, such storage cannot be in a required front yard area.

10. Power plants, heating or refrigerating plants or apparatus or machinery not part of the main building and when accessory to permitted uses shall be permitted in the buildable area or required side or rear yards only when so placed and operated as to cause the least inconvenience to owners and tenants of adjoining lots and buildings; and provided that all of the above-mentioned activities comply with existing ordinances and do not cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes, or gases, dust, smoke, noise, or vibration, light, glare, or other nuisances.

**Section 13.05. Exceptions and modifications to use regulations.**

1. A fence, wall, or hedge not more than seven (7) feet in height may project into or enclose any required front or side yard provided, however, that no fence, shrubbery, or obstruction of any type shall be permitted around or into required front yards within twenty (20) feet of any street intersection. Fences, walls, or hedges may project into or enclose other required yards provided such fences, walls, or hedges do not exceed a height of seven (7) feet and may be erected along a boundary between a residential district and a commercial or industrial district to a height not exceeding ten (10) feet. No barbed wire or other hazardous material shall be used in fence construction.

2. Existing railroads may continue to be operated and maintained irrespective of where located, but no new railroad line or their accessory structures may be erected in residential or commercial districts unless approved by the Board of Adjustments. In cases where a railroad is abandoned or relocated, the right of operating a railroad over such right of way is lost.

3. On lots in commercial or industrial districts more than one main building may be constructed provided that no building encroaches upon required yard areas.

**Section 13.06. Flashing Signs.**

Revolving signs of the type similar to the revolving beacons or flashing lights used by police cars and ambulances are prohibited in all districts irrespective of the color of the light used.

**Section 13.07. Protection Standards.**

A. *Noise.* There shall be no production, by any use, of noise which at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.

B. *Heat, glare and vibration.* There shall be no emission by any use of objectionable heat, glare, or vibration which is perceptible beyond any boundary of the building site on which the use is located.

C. *Dust, dirt, odors, gases, smoke and radiation.* There shall be no emission by any use of dust, dirt, odors, gases, smoke, or radiation which is in an obnoxious or dangerous amount or degree beyond any boundary of the building site on which the use is located.

D. *Hazard.* There shall not be created or maintained by any use any unusual fire, explosion, or safety hazard beyond the boundary of the building site on which the use is located.

E. *Wastes.* No materials or wastes shall be stored in such a manner that they may be transferred off the building site by natural forces or causes.

F. *Pet/Animal Pens.* Any pen constructed to house pets and dogs in any zoning district will have either a concrete floor with a drain line connected to the sanitary sewer system or shall be kept in a clean sanitary condition. Shelter will be provided to protect the animal from harsh weather conditions. Refuse will not be permitted to accumulate on ground around pen.

### **Section 13.08. Planned Building Groups**

A. *Policy on planned building groups.*

1. *Purpose of provisions.* Under the regulations prescribed by this ordinance for the various districts, a separate building site is required for each structure other than an accessory structure. For the purpose of allowing and encouraging greater variety of design and flexibility of location for buildings comprising a planned group, the provisions of this section waive the requirement for a separate building site for each building and permit two (2) or more buildings to be erected and maintained on the same building site when certain conditions hereinafter set forth are met. Examples of such building groups that might be erected under the provisions of this section are multiple-family dwelling projects and shopping centers.

B. *Limitations.* The provisions of this section are applicable in all districts established herein except the R-5 District.

C. *Conditions to be met by special plans for building groups.*

1. *District regulations.* Every building group erected and maintained under the provisions of this section shall comply with all of the regulations established by this ordinance for the district in which the building group is located except the regulation requiring a separate building site to be provided and maintained for each principal structure; such building group may be considered as one (1) building for the purpose of complying with the building site area, height, yard and other regulations of this ordinance.

2. *Site plan and improvements.* A special plan for a building group shall show, and there shall be provided, the following:

a. *Drainage.* Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving and the proper design of finished grades;

b. *Circulation.* Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking areas, off-street loading areas and landscaped separation spaces between pedestrian and vehicular ways;

c. *Play areas.* In dwelling building groups, adequate and safely located play areas for small children;

d. *Protection of residential districts.* In business building groups near or adjoining residential districts, adequate provision, including fences, walls and planting, to screen and protect the residential districts from parking lot illumination, headlights, fumes, heat, noise, blowing papers and dust and the visual encroachment of commercial buildings, service areas, signs and commercial activity on the privacy and neighborhood character of the residential districts.

3. *Building spacing and orientation.* The following spacing between buildings shall be measured perpendicularly between exterior walls; it does not apply to corner-to-corner placement of buildings where walls do not overlap:

a. *Spacing of buildings.* A building wall shall be located no closer to another building than a distance equal to the height of the taller building of the two (2), provided further, that for a building containing dwelling units such distance shall not be less than fifty (50) feet in the case of a wall having windows and not less than twenty-five (25) feet in the case of a wall having no windows;

b. *Orientation of buildings containing dwelling units.* In buildings containing dwelling units, walls having main window exposures shall be so oriented as to insure adequate light and air, to avoid exposure to highways and other high-volume traffic ways and to preserve visual and auditory privacy between buildings;

c. *Access by emergency vehicles.* The buildings in a planned building group shall be so arranged that every inhabited building is accessible by emergency vehicles.

D. *Procedure on special plans for building groups.*

1. *Application for approval.* An application for approval of a special plan for a building group shall be filed with the office of zoning administration and shall contain the following information:

a. *Interest and ownership.* The applicant's name, address and interest in the application and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the concurrence of the owner or owners of the entire land area included in the special plan and all encumbrancers of such land; and sufficient evidence to establish that the applicants are all the owners and encumbrancers of the designated land area, actually intend to develop the designated area, and have both the means and ability to do so;

b. *Plans for building group.* Plans showing the land area included within the special plan, with the boundaries and dimensions and present zoning classification of the area; the adjoining properties and the present zoning classification thereof; all public and private easements and rights-of-way, both existing and proposed, within or bounding the designated area and the adjoining properties; the location of buildings and the use of the land or adjoining properties; proposed contours, not to exceed one-foot intervals, and necessary finished grades; the location, number of stories and gross floor area of proposed principal buildings and accessory buildings, curb cuts, driveways, off-street parking areas, off-street loading areas, walks and open areas to be set aside for special purposes; the location and height of proposed walls, fences and screen planting, the types of paving or other surfacing to be used in the various areas and such other site information as may be necessary to describe completely the proposed building group.

2. *Administrative examination.* Upon receipt of an application for approval of a special plan for a building group, properly and completely made out, the office of zoning administration shall examine the application and make such investigation as is necessary. Within fifteen (15) days of the receipt of an application, the office of zoning administration shall transmit the application, together with its report and recommendation, to the zoning commission. The office of zoning administration may also transmit a copy of the application to any department or agency which might be affected by the approval of the application, and such department or agency may transmit its report and recommendation to the zoning commission.

3. *Review by zoning commission.* The zoning commission shall review each application and shall recommend approval or disapproval of the special plan to the Mayor and Council within thirty-five (35) days after receipt of such application by the commission.

4. *Approval by the Mayor and Council.* Approval by the Mayor and Council may establish conditions and limitations which may include a performance bond. The Mayor and Council shall then return the application, together with its report of approval or disapproval, to the office of zoning administration, and the office of zoning administration shall notify the applicant of the approval or disapproval of the special plan by the Mayor and Council.

5. *Registration of special plan.* Upon approval of a special plan, a copy of such plan shall be registered among the records of the office of zoning administration and shall thereafter be binding upon the applicants, their heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures within the area designated in such special plan to all conditions and limitations specified in such special plan and the approval thereof; provided, however, that the office of zoning administration may, upon a showing of engineering necessity therefor, permit minor changes in the location of structures and site improvements if such minor changes will not change the character of the development, increase the gross floor area, intensity of use or ground coverage, reduce the total building site area, the space between buildings or the ratio of off-street parking area and off-street loading area to gross floor area or otherwise cause the special plan to fail to meet the conditions specified herein.

6. *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan comply with all regulations established by this ordinance and unrelated to the special plan.

**ARTICLE 14**  
**BOARD OF ZONING ADJUSTMENT**

**Section 14.01. Creation of the board of zoning adjustment.**

A board of zoning adjustment is hereby created and established in accordance with Louisiana Revised Statutes, Title 33, Section 4727. The word "board" when used in this article, shall be construed to mean the board of adjustment. The board shall consist of five (5) members, and may include two (2) alternate members, all of whom shall be residents of the community, own real property, and also be qualified voters. The membership of the first board shall serve respectively, one for one year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. Of the two (2) alternate members first appointed, one alternate member shall be appointed for a term of three (3) years, and the other for a term of two (2) years. Thereafter each alternate member shall be appointed for a term of three (3) years. Alternate members shall serve only when called upon to form a quorum, and when so serving shall all the powers and duties of regular members. All members shall be removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman, who shall serve for one (1) year. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to R.S. 33:4721 through 33:4729.

**Section 14.02. Rules of procedure.**

The board shall adopt rules of procedure not in conflict with any state act or city ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question. Also, the board shall keep records of its examinations and other official actions, all of which shall be filed immediately with the office of the board and shall be public record. All testimony, objections thereto and rulings thereon shall be taken down by a recorder employed for that purpose by the board.

**Section 14.03. Hearings of the Board.**

The board shall fix a reasonable time for the hearing of an appeal, which hearing shall be open to the public. Public notice of the hearing shall be given, and notice shall be given to the appellant or applicant and to the office of zoning administration. The chairman or the

acting chairman may administer oaths and compel the attendance of witnesses. Any interested person may appear in person or by agent or attorney.

**Section 14.04. Records of the Board.**

The board shall prepare a record of its proceedings for each case or matter heard. The record shall show the grounds for each decision and the vote of each member upon each question or if absent or failing to vote, shall indicate such fact. The record of proceedings shall be filed in the office of the board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the board.

**Section 14.05. Decisions of the Board.**

The concurring vote of a majority of the members of the board present and voting shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, to decide in favor of the applicant on any matter upon which the board is required to pass under this chapter or to allow any variance. Every decision of the board shall be based upon findings of fact, and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this chapter or to allow any variance shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific facts, shall not be deemed findings of fact and shall not be deemed compliance with this chapter. Nothing herein contained shall be construed to empower the board to change the terms of this chapter, to effect changes in the zoning map or to add to the specific uses permitted in any district. The powers of the board shall be so construed that this chapter and the zoning map are strictly enforced.

**Section 14.06. Powers of the Board.**

A. Subject to the limitations enumerated herein, the board shall have and exercise the following powers. In the exercise of its powers, the board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end, the board shall have all of the powers of the officer of the department from whom the appeal is taken.

1. *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision or refusal made by the building inspector or zoning administrator or administrative official in the carrying out of enforcement of any provision of this chapter.

2. *Interpretation.* To interpret the zoning map and to pass upon disputed questions as they arise in the administration of the zoning regulations.

3. *Special exceptions.* To hear and decide, in accordance with the provisions of this chapter, requests for special exceptions upon which the board is authorized by this chapter to pass. Special exceptions shall be subject to such terms and conditions as may be fixed by the board. No exception shall be authorized unless the board shall find that all of the following conditions exist:

a. That the exception will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the exception is sought;

b. That the full development is designed and intended to serve the district in which the development is sought to be operated and maintained;

c. That the exception is essential to maintain the functional design and architectural integrity of the development;

d. That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

e. That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;

f. That the exception will not weaken the general purposes of this chapter or the regulations herein established for the specific district;

g. That the exception will be in harmony with the spirit and purposes of this chapter;

h. That the exception will not adversely affect the public health, safety or welfare or the master plan.

4. *Variances.* Where, by reasons of exceptional narrowness, shallowness or shape of a specified piece of property at the time of enactment of the ordinance from which this section derives or by reason of exceptional topographic conditions or other extraordinary or exceptional characteristics of such piece of property, the strict application of any regulation in this chapter would result in peculiar and exceptional or undue hardship upon the owner of such property, the board may authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be

granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. Variances shall be subject to such terms and conditions as may be fixed by the board. No variance shall be authorized unless the board shall find that all of the following conditions exist:

a. That the variance will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the variance is sought;

b. That the development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this chapter, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;

c. That the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, that the unique circumstances were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;

d. That the variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

e. That the variance will not alter the essential character of the district in which is located the property for which the variance is sought;

f. That the variance will not weaken the general purposes of this chapter or the regulations herein established for the specific district;

g. That the variance will be in harmony with the spirit and purposes of this chapter;

h. That the variance will not adversely affect the public health, safety or welfare or the master plan.

5. *Use variances; nonconforming structure variances.* When sections of this chapter pertaining to the termination of nonconforming uses and the restoration of damaged nonconforming structures, respectively, would otherwise require the termination of a nonconforming use or prohibit the restoration of damaged nonconforming structure, or both, and the owner, tenant or to the person having a legal or equitable interest in the nonconforming structure or nonconforming use and affected by the damage to or destruction of the structure can meet all of the following conditions, the board may grant a use variance to

permit the continuance of the nonconforming use in question or a variance to authorize the reconstruction of the nonconforming structure in question, or both, provided the board shall find that all of the following conditions are met:

a. That the applicant will sustain provable, unusual, exceptional and serious pecuniary loss if the nonconforming use cannot be continued and/or the nonconforming structure cannot be reconstructed;

b. That the variance will not substantially and adversely affect the public health, safety or welfare or the master plan;

c. That the plight of the applicant by whom the variance is sought is due to unique circumstances not due to or the result of general conditions in the district in which the property is located;

d. That the damage to or destruction of the structure in question is the result of fire, flood, windstorm, earthquake or other unforeseen cause and not the result of or attributable to the obsolescence or natural deterioration of the structure. Any such variance granted by the board shall be subject to such terms and conditions as may be fixed by the board. Any variance sought under the authority of this subsection must be applied for by the applicant within one (1) year from the date that the damage to or destruction of the structure occurs or becomes evident. Any variance granted under the authority of this subsection shall be automatically revoked unless restoration of the structure is commenced within one (1) year from the date the variance is granted and completed within two (2) years from the date the variance is granted. Any nonconforming structure reconstructed under authority of a variance granted under this subsection shall meet all requirements of this chapter, except those as to which the variance is granted.

#### **Section 14.07. Appeals from the Board.**

A. *Procedure.* Any person or persons jointly or severally aggrieved by any decision by the board of adjustment, of any officer, department, board, or bureau of the town, may present to the district court of the parish a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board.

B. *Certiorari.* Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment and shall be prescribed therein the time within which a return may be made and served upon the relator's attorney, that shall be not less than ten (10) days but which may be

extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application on notice to the board and on due cause shown, grant a restraining order.

C. *Return.* The board of adjustment shall not be required to return the original papers acted upon by it, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

D. *Evidence.* If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

E. *Decision.* The court may reverse or confirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it appears to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

**ARTICLE 15  
AMENDMENTS**

**Section 15.01. Amendment procedures.**

A. *By whom initiated.* Amendments to this chapter may be initiated by the town council on its own motion or by the zoning commission. Amendments may also be initiated by any person, firm, or corporation by filing a written application therefor with the office of zoning administration.

B. *Amendment application.* An application for an amendment to this ordinance shall contain at least the following:

1. *Interest and ownership.* The applicant's name, address and interest in the application and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the concurrence of the owner or owners of the entire land area to be included within the proposed district, the owner or owners of all structures then existing thereon and all encumbrances of such land area and structures; and additionally, sufficient evidence to establish that the applicants are all the owners and encumbrances of the designated land area and structures, intend actually to develop the designated area and have both the means and ability to do so;

2. *Plat.* If the proposed amendment would require a change in the zoning map, a plat showing the land area which would be affected; the present zoning classification of the area; the land area of all abutting districts and the present zoning classification thereof; public rights-of-way and easements bounding and intersecting the designated area and the abutting districts; the locations of all existing and proposed structures, with supporting open facilities; and the specific ground area to be provided and continuously maintained for the proposed structure or structures;

3. *Reason for amendment.* The applicant shall submit a written statement of the nature and reason for the amendment in accordance with section 28-201, Amendment policy. In addition, if the proposed amendment would require a change in the zoning map, the applicant may submit (optional) a site plan and/or development schedule of the proposal with the application.

a. If a site plan and/or development schedule is submitted, and approved, the amending ordinance shall, unless specifically waived by the zoning commission, include a requirement that development occur substantially in accord with such plan or schedule with any significant change requiring further zoning commission review and approval.

b. If a definitive site plan is not submitted or is not approved by the zoning commission with a rezoning application, the amending ordinance shall, unless specifically waived by the zoning commission, include a requirement that a site development plan be submitted to and approved by the zoning commission prior to development of all or any part of the land area involved. Approval of a site plan may be conditional, subject to any modifications specified by the zoning commission.

4. *Development schedule.* The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development plan for each stage;

5. *Market information.* If the proposed amendment would require a change in the zoning map by rezoning an area from an existing residential district to a freestanding commercial district, would require more than double the area of an existing commercial district entirely surrounded by residential districts or would enlarge the area of an existing commercial district by more than eight (8) acres, the applicant shall furnish a written description of the market area to be served by the development, the population thereof, the effective demand for the proposed facilities and any other information describing the relationship of the proposed development to the needs of the applicable area;

6. *Public need.* The changed or changing conditions in the applicable area or in the area generally that makes the proposed amendment necessary and desirable for the promotion of the public health, safety or general welfare;

7. *Effect of amendment.* A report giving the nature, description and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties;

8. *Error.* The error, if error is alleged, in this chapter that would be corrected by the proposed amendment.

C. *Administrative examination.* Upon receipt of an application for amendment the office of zoning administration shall examine the application and shall make such investigation as is necessary. Within fifteen (15) days of the receipt of an application the office of zoning administration shall transmit the application together with its report and recommendation to the zoning commission.

D. *Preliminary hearing by zoning commission.* The zoning commission shall hold a preliminary hearing on each application within thirty-five (35) days after receipt of such application for amendment to this chapter and shall notify the applicant and the office of zoning administration of the time and place of such preliminary hearing. After holding a

preliminary hearing the commission shall certify the application for public hearing and shall notify the applicant of the time and place of such public hearing. Within ten (10) days after such notification the applicant shall provide at least the following:

1. *Additional information.* Furnish the commission with such additional information as it may request;

2. *Owners of surrounding property.* If the proposed amendment would require a change in the zoning map, furnish the commission with the name, description of property owned and mailing address of each owner of property lying within a distance of three hundred (300) feet of the fronting corners of the property, the classification of which is sought to be changed, such distance to be measured along the property lines of the streets on which such property is located and along any other streets crossing the same or leading therefrom. In the case of a corner lot, the rear corner on the side street shall be considered a fronting corner.

E. *Public hearing by zoning commission.* The zoning commission shall fix a reasonable time for a public hearing, which hearing shall be held not more than thirty-five (35) days after the preliminary hearing, and shall give public notice thereof, as required by law, as well as notice to the applicant and to the office of zoning administration; if it deems necessary, the commission may also notify the owners of surrounding property by mail, as the names and addresses of such owners have been furnished by the applicant, and may post a notice of such hearing on the property included within the proposed district. The commission shall prepare a record of its proceedings for each case, showing the grounds of its recommendation.

F. *Legislative disposition.* The town council shall examine all such applications and reports submitted to it and shall take such further action as it deems necessary and desirable. Before enacting any amendment, the council shall hold a public hearing thereon and shall give public notice thereof, as required by law.

1. *Conditions.* If an application for an amendment to the zoning map contains representations that a specified area will be developed in accordance with the given plan and time schedule and if the area is rezoned substantially as proposed in the application, the town council shall fix conditions, which conditions may include a performance bond, in the amendment so as to require performance of the development in accordance with such plan and time schedule. Such conditions, among other things, shall provide that upon a failure to develop the area within the specified time and in accordance with the conditions fixed, no permit for the construction of any structures within the area shall be issued until the area has been examined and zoned or rezoned for its most appropriate use. Conditions fixed in amendments relating to rezoning shall run with the land in the area involved and shall be binding upon applicants for amendments, their heirs, successors, and assigns.

G. *Reconsideration.* No land for which an application for reclassification has been acted upon in a public hearing by the zoning commission shall be considered again by the zoning commission for the same classification for at least six (6) months from the date such application was acted upon.

**ARTICLE 16**  
**ADMINISTRATION AND ENFORCEMENT**

**Section 16.01. General provisions for administration and enforcement.**

A. *Applicability to all land and structures.* No land shall be used or occupied and no structure shall be erected, altered, used, or occupied except in conformity with all regulations established in this chapter and upon performance of all conditions herein set forth.

B. *Permits and licenses.* Except for the renewal of occupational licenses and alcoholic beverage permits, no building or other permit, license or other document of approval, the use of which may be subject to the provisions of this chapter, shall be issued by any department, agency or board of the town government until the office of zoning administration shall have certified that the use to be made of the permit, license, or other document is in full compliance with the provisions of this chapter.

C. *Certificate of occupancy.* Except as hereinafter provided, no structure or land shall be used, occupied or changed in use until a certificate of occupancy shall have been issued therefor by the office of zoning administration, stating that the proposed use of land or the structure and the proposed use thereof is in full compliance with the provisions of this chapter.

1. *Structures.* Application for a certificate of occupancy for a new structure or for an existing structure to be altered shall be made coincident with application for a building permit; after erection or alteration of such structure shall have been completed in compliance with the provisions of this chapter and within three (3) clear legal days after written request is made to the office of zoning administration, the certificate of occupancy shall be issued.

2. *Land.* Application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land shall be made before any such land is occupied or used, and a certificate of occupancy shall be issued by the office of zoning administration within three (3) clear legal days if such proposed use or change in use is in compliance with the provisions of this chapter.

D. *Plans required.* Each application for a certificate of occupancy for a new structure or for the alteration of an existing structure shall be accompanied by a drawing or plat, in duplicate, showing the site plan, the location of the building on the site, accurate dimensions of the building and site, location of off-street parking and off-street loading spaces required and such other information as may be necessary for the enforcement of these regulations.

E. *Construction begun or authorized prior to effective date.* Nothing herein contained shall require any change in the plans, construction or designated use of a structure, the

construction of which shall have legally and actually begun prior to the effective date of the ordinance from which this section derives or, if a building permit shall have been required and issued for such structure and if construction is begun within one hundred eighty (180) days of the date of such permit, which entire structure shall be completed within two (2) years after such effective date.

F. *Violations.* Any person violating any provision of this chapter shall be fined, upon conviction, not less than ten dollars (\$10.00) and not more than twenty-five dollars (\$25.00) or imprisoned for not more than thirty (30) days, or both, for each offense; each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any penalty hereunder shall not preclude the building inspector, zoning administrator, town attorney or other appropriate authority of the town government, or any adjacent or neighboring property owner who would be specifically damaged by such violation, from instituting an injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land.

#### **Section 16.02. Office of zoning administration.**

A. *Establishment.* There is hereby established an office of zoning administration, called the "office" in this section. There is hereby vested in the office the duties of administering and enforcing this chapter and the power necessary for such administration and enforcement. The zoning administrator shall be the officer in charge of the office.

B. *Administration.* In carrying out its administrative duties, the office shall:

1. *Building permits, certificates of occupancy, special plans.* Review all applications for building permits, certificates of occupancy and approvals of special plans hereunder; approve or disapprove such applications as they relate to zoning and make the necessary certifications and issue the necessary certificates and approvals of special plans.

2. *Applications for amendment.* Receive all applications for amendments to this chapter, including the zoning map; refer such applications to the zoning commission for its consideration and action and submit to the town council all such applications, together with the recommendations of the zoning commission.

3. *Procedures.* Establish and administer rules and regulations for proceedings with and within the office, together with the regular forms for such proceedings, and for processing amendments and registering in its records those matters and things required by this chapter to be registered.

4. *Zoning map.* Maintain the zoning map showing the current classification of all land.

5. *Record of nonconforming uses.* Maintain a current register of all nonconforming uses and regulate the registration of such uses.

6. *Record of actions.* Maintain records of all actions taken by the office under this chapter.

7. *Board of adjustment.* Intervene for and on behalf of the town in all public hearings before the board of adjustment; present facts and information to assist the board in reaching a decision; resist and oppose any deviations from the standard provisions of this chapter and have decisions of the board reviewed in a court of proper jurisdiction when, in the judgment of the zoning administrator and with the approval of the town council, such review is desirable.

8. *Initiation of amendments.* Propose and recommend the enactment of such amendments to this chapter, including the zoning map, as are made desirable or necessary because of changing conditions or because of judicial or administrative proceedings, or for the purpose of improving administration and enforcement, all in accordance with the amendment procedure set forth herein.

9. *Collection of fees.* Collect appropriate fees for application procedures specified herein. Such fees shall include:

Map amendments--Twenty-five dollars (\$25.00) for the first acre and three dollars and fifty cents (\$3.50) for each acre thereafter, up to fifteen (15) acres. The minimum charge shall be twenty-five dollars (\$25.00); the maximum charge shall be one hundred dollars (\$100.00).

Planned building groups--Twenty-five dollars (\$25.00) for the first acre and three dollars and fifty cents (\$3.50) for each additional acre, up to fifteen (15) acres. The minimum charge shall be twenty-five dollars (\$25.00); the maximum charge shall be one hundred dollars (\$100.00). Acreage is based on total area, exclusive of streets.

Parking plans--Fifty dollars (\$50.00) per plan.

Planning approvals--Ten dollars (\$10.00).

Special exceptions--Ten dollars (\$10.00).

Variance--Two hundred fifty dollars (\$250.00).

Any combination of the above fees shall not exceed three hundred dollars (\$300.00) for a given parcel of land.

C. *Enforcement.* In carrying out its enforcement duties, the office shall:

1. *Investigations and surveys.* Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this chapter. Incidental to such surveys and investigations, an authorized representative of the office may enter into and upon any land or structure to be inspected or examined.

2. *Enforcement.* Issue written orders requiring compliance with the provisions of this chapter. Such orders shall be served personally or by certified or registered mail upon the person, firm or corporation deemed by the office to be violating the provisions of this chapter; provided, however, that if such person, firm or corporation is not the owner of the land or the structure in which the violation is deemed to exist or to have occurred, a copy of the order shall be sent by certified or registered mail to the owner of such land or structure, the owner to be determined from the tax roll for the preceding year in the office of the tax assessor of the town. The date of mailing shall be deemed the date of service of any order served by certified or registered mail.

3. *Legal proceedings.* Institute, in courts of proper jurisdiction, proceedings for the enforcement of the provisions of this chapter and administrative orders and determinations made hereunder when, in the judgment of the zoning administrator and with the approval of the council, such measures are desirable.

D. *Appeals from the office.*

1. *Procedure.* Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the office. Appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the office, and with the board of adjustment a notice of appeal specifying the grounds thereof. The office shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

2. *Effect of appeal.* An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of adjustment after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the board of

adjustment or by a court of record on application or notice to the office and on due cause shown.

**Section 16.03. Repeal.**

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed. This ordinance shall take effect from and after the date of its adoption and publication as provided by law.

**Section 16.04. Validity.**

If any section, subsection, paragraph, sentence, or clause or phrase of this ordinance shall, for any reason be held unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance which shall continue in full force and effect.

## ARTICLE 17 DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. Words in the present tense shall include the future, the singular number shall include the plural and the singular; the word "structure" shall include the word "building" and the word "shall" is mandatory and not directory.

*Accessory Building:* A subordinate building, ~~attached to or~~ detached from the main building, the use of which is incidental to that of the main building and not used as a place of habitation except by domestic servants employed upon the premises.

*Accessory Use:* A subordinate use which is incidental to and customary or necessary in connection with the main building or use and which is located on the same lot with such main building or use.

*Administrative and Business Offices:* Offices or private firms or organizations that are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

*Adult Nightclub:* An establishment engaged in the sale of alcoholic beverages at retail for consumption on premises, where minors are excluded by law, where the incidental service of food may occur, and which features live entertainment where persons, male or female, perform, dance or otherwise appear partially or totally nude or where partially or totally nude dancing is performed.

*Adult Uses/Materials:* An establishment having a substantial or significant portion of its stock in trade in which, for any form of consideration, adult material is presented to or is available for exclusive viewing, rental, or purchase by adults. As used in this ordinance, adult material shall consist of movies, films, motion pictures, video tapes, video discs, slides, photographs, or other media of visual representation; or live performances, exhibitions or presentations; or books, papers, pamphlets, magazines, periodicals or publications which are characterized by an emphasis upon the depiction or description of any of the conduct or activities set forth and described in the provisions of Louisiana Revised Statutes Title 14, Chapter 1, part VI, Sub-part C, and in that portion thereof designated as sub-paragraphs (2)(b) and (3) of paragraph A of Section 106 [La. R. S. 14:106 A (2)(b), (3)], or as such provisions may hereafter be amended, re-enacted or re-designated from time to time, or shall consist of any instruments, devices or

paraphernalia that are designed or marketed for use in connection with any such conduct or activities. As used in these regulations, the term "adult material" shall be applied to any material that meets the definition set forth in this section whether or not, as a matter of law, such material is or could be classified as pornographic or obscene.

*Aggregate area or width:* The sum of two (2) or more designated areas of widths to be measured, limited, or determined under these regulations.

*Agriculture:* The use of land for agricultural purposes including agriculture, dairying, farming, floriculture, pasturage, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the products. Provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. The raising of swine is expressly prohibited.

*Agricultural Sales and Services:* Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, herbicides, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

*Airport:* A public or private facility with FAA required controls or features for the use of private or commercial aircraft. Includes commercial airports, general aviation airports, and heliports.

*Alley:* A way which affords only secondary means of access to property abutting thereon.

*Alteration:* Any structural change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, or girders. The term includes structural additions.

*Amusement Arcade:* A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

*Animal Kennels:* Boarding and care services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, and dog training centers.

*Animal Production:* The raising of animals or production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include raising and breeding of livestock, grazing, ranching, dairy farming and poultry farming for other than personal use.

*Animal Sales and Services (limited):* Retail sales, veterinary services, outdoor kennels, grooming, and boarding when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops but excluding outdoor kennels and uses for

livestock and large animals.

*Animal sales and services (general):* Veterinary services and boarding for livestock, horses, or large animals. Typical uses include boarding stables for horses not owned by the occupants of the premises, and veterinary hospitals for livestock and large animals. The term includes pet crematoriums.

*Apartment:* A dwelling unit with culinary facilities designed for or used as living quarters for a family.

*Apartment hotel:* A multiple-family dwelling designed for or containing both apartments and dwelling units without culinary facilities and which has an inner lobby through which all tenants must pass to gain access to apartments or dwelling units. The number of apartments with culinary facilities must be at least ten (10) and the number of dwelling units without culinary facilities shall not exceed thirty (30) or shall not exceed the number of apartments, whichever is less.

*Apartment house.* Same as “dwelling, multiple.”

*Aquaculture:* Premises primarily devoted to aquaculture research and specialties and also including the raising of aquatic plants and animals and seafood, including catfish and crawfish farms.

*Art and Craft Studio:* A use involving the production of works of art by individuals and the incidental sale to consumers of those works produced, limited to the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding 8 kilowatts. Such use shall be placed and operated in such a manner that the adjoining property owners or tenants are not inconvenienced by external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff.

*Auto Salvage Yard:* (see “Junk Yard”)

*Auto Wrecking Yard:* (see “Junk Yard”)

*Automotive Sales and Rentals:* Sale or rental of automobiles, non-commercial trucks or trailers (capable of being pulled by automobiles only and not exceeding 12,000 lbs.), motorcycles, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, boat, trailer and recreational vehicle dealerships, auto and trailer rental agencies and taxicab parking, dispatching and fleet storage. The use of residential property for the incidental sale of automobile(s), non-commercial truck(s) or trailer(s) (capable of being pulled by automobiles only), motorcycle(s), recreational

vehicle(s) or boat(s), including incidental storage, maintenance and servicing for nonoccupants of the residence upon which an offer for sale, storage, maintenance, and servicing is occurring is expressly prohibited.

*Automotive and Equipment Repair:* Repair of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts in an enclosed area screened from view of any adjacent streets or property. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.

*Automotive, Fuel Station:* Fuel dispensing stations, primarily self-serve, with lubricants and associated automotive products for self-dispensing. Typical uses include self-serve stations and fuel islands in conjunction with convenience stores.

*Automotive, Service Station:* Any premises where fuel and other petroleum products are sold to light vehicles and/or light maintenance activities such as engine tune-ups, lubrication, motor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body/fender work are conducted.

*Balcony:* A railing-enclosed platform projecting from and supported directly from the ground.

*Bar:* (see "Tavern")

*Bed and breakfast:* An owner-occupied dwelling unit having no more than one (1) culinary facility and no more than three (3) guest rooms where short-term lodging with breakfast only is provided for compensation by the owner/operator of the residence.

*Basement:* That portion of a building below the first story and having more than one-half (½) its height below grade.

*Boarding house:* Same as "rooming house."

*Borrow Pit:* Any place where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of the surrounding land, for any purpose other than mining operations and that are necessary and incidental to grading or building construction on the premises.

*Buildable area:* the area of a lot not included within the yards and open spaces required herein.

*Building:* Any structure designed or built or used for the support, enclosure, shelter, or

protection of persons, animals, chattels, or property of any kind.

*Building, height of:* The vertical distance from the grad to the highest point of the coping of a flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip shed, and gambrel roofs. When the highest wall of a building with a shed roof is within thirty (30) feet of a street, the height of such building shall be measured to the highest point of coping or parapet.

*Building line:* That line, between which and the street line, no building or part thereof, may be erected except as provided in these regulations.

*Business Support Services:* Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to business firms (not individuals), but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

*Business or Trade School:* A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

*Campground:* Camping facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents.

*Canopy:* A detachable, roof like cover supported from the ground or deck, floor or walls of a building for protection from sun or weather.

*Car Wash:* An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, detailing, polishing, or waxing of light motor vehicles.

*Carport:* A canopy, open on at least two (2) sides for the purpose of providing shelter for one or more vehicles.

*Cemetery:* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

*Church, Religious Assembly:* Structure used for religious services involving public assembly. Includes synagogues, temples, and similar structures, but excluding day care facilities except when provided in conjunction with the primary use of the site.

*Clinic:* A building or portion thereof designed for, constructed, or under construction or

alteration for, or used by two (2) or more physicians, surgeons, dentists, psychiatrists, physiotherapists, or practitioners in related specialties, or a combination of person in these professions, but not including lodging or patients overnight.

*Clinic, Animal:* An establishment where the treatment of small animals is given by professional veterinary personnel.

*Club, Private:* Building and facilities used or operated by an organization or association for some common purpose, such as, but not limited to, fraternal, social, educational, or recreational purpose, but not including clubs organized primarily for profit or to render a service which is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of Louisiana as a nonprofit corporation or registered with the Secretary of State of the State of Louisiana.

*College and University Facilities:* The use of land for an educational facility which offers a course of study associated with the issuance of a degree and typically including classroom and lab facilities, research services, housing facilities, parking facilities and recreational amenities.

*Commercial Use:* Activity carried out for pecuniary or financial gain by the owner, lessee, or licensee.

*Common elements:* The portion of the condominium property not a part of the individual units.

*Communications Services:* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, fiber optic, satellite mechanisms, and telephonic mechanisms but exclude those classified as Major Utilities. Typical uses include television studios, telecommunication service centers or telegraph service offices, and film and sound recording studios.

*Completely Enclosed Structure:* A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

*Concrete crusher:* A heavy industrial use which uses mechanical means to crush and reduce in size larger pieces of concrete and similar materials, which can be sold and/or used as fill and/or roadway base material.

*Concrete statues, handiwork:* Establishments engaged in the small-scale production of concrete statues, fountains, birdbaths, and similar items.

*Condominium Declaration:* The instrument, which regulates the communal living arrangement inherent in the condominium form of ownership by clearly specifying the rights and obligations of

all unit owners toward each other. It defines the boundaries of all units and common elements to create the necessary horizontal "subdivision" of the condominium property.

*Condominium Property:* All interests in land improvements thereon, and all servitudes and rights attaching to the condominium.

*Condominium Unit:* A part of the condominium property subject to individual ownership. A unit may include air space only. A unit includes such accessory rights and obligations as are stipulated in the condominium declaration.

*Conforming Use:* Any lawful use of a building, structure, lot, sign, fence that complies with the provisions of this zoning ordinance.

*Congregate Housing:* A building or buildings designed or used in whole or in part to provide, for compensation, the housing of persons desiring or in need of special services such as 24-hour emergency assistance. Such facilities may furnish services to their permanent residents similar to those services furnished by hotels, including accessory uses such as home health services, meals, maid and linen services, grocery and drug stores and banking services, provided such uses are located in and accessed from entirely within the facility with no direct entrance from the street nor visibility from the outside of the facility indicating the existence of these services. Congregate housing includes elderly housing.

*Construction Materials-Plants:* Establishments engaged in the manufacturing and / or mixture of large amounts of construction materials for sale to contractors and the general public. Typical uses include concrete and asphalt batch plants and limestone and shell yards.

*Construction Sales and Services:* Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware. Excludes Construction Materials- Plants, as defined herein. Typical uses include building materials stores, lumberyards, tool and equipment rental or sales, or building contractors.

*Consumer Repair Services:* Establishments primarily engaged in the provision of repair services, conducted entirely within an enclosed area, for individuals and households rather than firms, but excluding Automotive and Equipment Services use types. This use classification does not include any outdoor storage of appliances or equipment. Typical uses include small appliance and washer and dryer repair shops, heating and air conditioning repair, watch or jewelry repair shops, or musical instrument repair shops.

*Convalescent Home:* Same as "nursing home."

*Convenience Store:* A retail establishment featuring self-serve fueling and small retail food and small personal items for sale having a gross floor area of 3,000 square feet or less.

*Convent:* An area containing one or more buildings accommodating persons, usually nuns, devoting their activities to a religious life.

*Country Club:* A land area and buildings containing recreational facilities, clubhouse and usual accessory uses, open only to members and their guests for a membership fee.

*Court:* An open space from the ground upward, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

*Cultural Services:* A library, museum, performing arts center or similar registered non-profit organizational use performing or displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

*Day Care Centers, Preschools, Nursery Schools:* A state licensed for-profit or non-profit organization operating a facility providing supervisory or day care services to children or adults, excluding overnight care and public or private primary and/or secondary educational facilities. A day care center at a religious institution providing services at times other than in conjunction with the primary use (for religious purposes) of the site shall be considered a public day care center.

*Dormitory:* A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use. Dormitories do not include individual kitchens but rather a group kitchen to serve all residents.

*Dwelling:* A building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging homes or tourist homes.

*Dwelling, single family:* A building designed for, constructed for, altered for, occupied exclusively by not more than one-family, and provided that the building is attached to the ground in a permanent manner and further that the building is not designed as a mobile home or portable structure.

*Dwelling, two-family:* A building designed for, constructed for, altered for or occupied by not more than two (2) families, and provided that the building is attached to the ground in a permanent manner and further that the building is not designed as a mobile home or portable structure.

*Dwelling, multiple family:* A building designed for, constructed for, altered for or occupied by not more than three (3) families, and provided that the building is attached to the ground in a permanent manner and further that the building is not designed as a mobile home or portable structure.

*Dwelling unit:* A room, or group of rooms, occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

*Exterminating Services:* Services related to the eradication and control of rodents, insects, and other pests with incidental storage on lots other than where the service is rendered.

*Family:* An individual or two (2) or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit cost-sharing basis. Domestic servants, employed and residing on the premises shall be considered as part of the family.

*Farms:* Premises primarily devoted to the cultivation of agricultural products grown on the premises, including row crops, orchards, and trees. Also includes the raising and breeding of farm animals for sale as food or for the use of fur or hide. This does not include the processing of food or animals on site.

*Farm Equipment Sales and Service:* The retail or wholesale display and sales of heavy equipment generally associated with farms and agricultural activities and can include tractors, harvesters and related equipment and accessories as well as the repair of tractors, harvesters, and similar machinery, including the fabrication/modification/repair of related equipment and accessories.

*Financial Services:* Institutions licensed, and regulated by state or federal regulations primarily engaged in providing financial and banking services. Typical uses include banks, credit unions, homesteads, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services.

*Flea Market:* An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, either new or used, for sale to the public. Does not include private garage or yard sales.

*Food Sales:* Establishments primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores (including the sale of alcohol in containers for off-premise consumption) where (a) revenue from the sale of groceries comprises at least 80%

of the gross income of the establishment, and (b) at least 80% of the total display or shelf space is devoted to products other than alcohol. Typical uses include grocery stores, caterers, delicatessens, meat markets, retail bakeries, and candy stores.

*Fraternity/Sorority Residence:* A dwelling or dwelling unit maintained exclusively for sorority or fraternity members and their guests or visitors, affiliated with an academic or professional college, university or other educational institution.

*Floor area:* The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating two attached buildings.

*Gambling or Gaming Establishment:* A building in which one or more gaming tables, wagering devices or machines, or other games of chance are present and available for persons to wager money or something of value on an uncertain outcome, with an unassured prospect of winning money or other stakes, prizes or something of value, including by way of illustration, but not limitation: bingo, keno, raffles, video poker, roulette, pari-mutuels, blackjack and other card games; excluding those gambling or gaming establishments whose location and/or right to operate is preempted by state law.

*Garage, parking:* A building or portion thereof designed or used for the temporary storage of motor-driven vehicles, with or without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustments, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

*Garage, private:* An accessory building not exceeding nine hundred (900) square feet in floor area designed or used for storage of vehicles only, not to exceed four (4) storage spaces, which shall not be occupied by any vehicles other than motor driven vehicles of one ton capacity or less or uncovered trailers that are not used for living or sleeping purposes; and provided further that not more than two (2) said storage spaces may be rented to persons not occupants of the main building of the lot upon which the private garage is located.

*Garage, repair:* A building, land, or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles.

*Garage, storage:* A building, structure, or portion thereof, designed or used for the storage of motor homes, campers, boats, boat trailers, watercraft, and other similar recreational vehicles. Vehicular fuels and oils (except propane or butane) are not to be sold and motor driven and nonmotorized vehicles are not to be equipped, repaired, hired, or sold from the storage garage property.

*Garden Center:* An establishment for the retail sale of plants, plant care and maintenance products and tools.

*Golf Course:* tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shelters. See "Country Club."

*Grocery Store, Retail:* A self-serve business establishment dealing in the sale of a variety of foodstuffs, including but not limited to, meats, produce, dairy products, seafood, bakery products, dry groceries, small hardware items, and usual household supplies. In the context of this definition, a grocery store shall provide for a true combination and distribution of commodities, whereby no one (1) category of products and no one (1) department of commodities, other than dry groceries, shall constitute a majority of the inventory contained in the store, as defined herein. A grocery store shall be completely enclosed by solid exterior walls, although windows and doors may be contained within the solid exterior walls aforementioned, provided that the windows and doors are of such integrity so as to prevent the permeation of any odors, noise, heat, and/or vibration. A grocery store shall provide for proper storage of all items within the confines of the solid exterior walls aforementioned, provided that the windows and doors are of such integrity so as to prevent the permeation of any odors, noise, heat, and/or vibration. A grocery store shall provide for proper storage of all items within the confines of the solid exterior walls aforementioned, and shall provide for proper storage of all items within the confines of the solid exterior walls aforementioned, and shall provide for proper insulation, air conditioning/refrigeration, ventilation, and heating. Any cooking and/or other preparation of food shall be conducted within the confines of the solid exterior walls of the store. Any and all construction, uses, and activities of a grocery store, as defined herein, shall comply with all local, state, and federal construction and health codes.

*Gross floor area:* The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls or roofed porches having more than one (1) wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site, measured the same way.

- a. *Leasable area, single-tenancy:* Leasable area of a single-tenancy floor, whether above or below grade, shall be computed by measuring to the inside finish of permanent outer building walls or from the glass line where at least fifty (50) percent of the outer building wall is glass. Leasable area shall include all area within outside walls, less stairs, elevator shafts, flues, pipe shafts, vertical ducts, air-conditioning rooms, fan rooms, janitor closets, electrical closets and such other rooms not actually available to the tenant for his furnishings and personnel, and their enclosing walls. Toilet rooms within and exclusively serving only that floor shall be included in leasable area. No

deductions shall be made for columns and projections necessary to the building.

- b. *Leasable area, multiple-tenancy floor:* The net leasable area of a multiple-tenancy floor, whether above or below grade, shall be the sum of all the leasable areas on that floor. The leasable area of an office on a multiple-tenancy floor shall be computed by measuring to the inside finish of permanent outer building walls or to the glass line if at least fifty (50) percent of the outer building wall is glass, to the office side of corridors and/or other permanent partitions and to the center of partitions that separate the premises from adjoining leasable areas. No deductions shall be made for columns and projections necessary to the building.
- c. *Store areas in office building:* To determine the number of square feet in a ground floor leasable store area, measure from the building line in the case of street frontages and from the inner surface of other outer building walls and from the inner surface of corridor and other permanent partitions and to the center of partitions that separate the premises from adjoining leasable areas. No deduction should be made for vestibules inside the building line for columns or projections necessary to the building. No addition should be made for bay windows extending outside the building line.

*Health Club:* Private club offering athletic, health or recreational facilities, gymnasiums or related features.

*Home Occupation:* (See Section 2:10)

*Hospital:* A building or group of buildings, having room facilities for overnight patients, used for providing services for the inpatient medical, psychiatric, or surgical care of sick or injured humans, primarily on an in-patient basis and include related facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and/or visitors. The term shall include such ancillary facilities, such as central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

*Hotel/Motel:* A facility offering transient lodging accommodations at a daily rate to the general public with or without providing additional services, such as restaurants, meeting rooms, and recreational facilities available to guests of the facility or the general public, and where there is either no provision made for cooking in any guest room or provision is made for cooking in not more than twenty-five (25) percent of the guest rooms.; the term includes "motel."

*Industrial-heavy:* A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or scrap and salvage operations engaged

in the storage, sale, dismantling or other processing of used, source separated, or waste materials which are not intended for reuse in their original form, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include auto salvage and junkyards, ironworks, petro-chemical plants, bulk storage facilities and tank terminals, textile or garment manufacturing.

*Industrial-light:* A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial uses. Typical uses include millworks and dry cleaning plants.

*Junk yard:* A use established for the purpose of selling used or scrap automobiles, trucks, and/or trailers; old or scrap rope, rags, batteries, paper, rubber, copper, brass, aluminum, iron, steel and other old or scrapped ferrous or nonferrous materials; discarded refrigerators, freezers, stoves, and other appliances; discarded mattresses, glass, wood and tires; and, any other junk or discarded materials. The term also includes salvage yards and recycling centers. The term also includes dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or heavy equipment or their parts. The presence on any lot or parcel of land of ten (10) or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an auto salvage or junk yard.

*Kennel:* (see "Animal Kennels")

*Laboratory:* A building or portion of a building devoted to the experimental study in science or the testing and analysis of chemicals, drugs, explosives, construction materials, explosives, minerals, etc.

*Laboratory, medical or dental:* A building or portion of a building devoted in use to providing bacteriological, medical, X-ray, pathological or similar analytical or diagnostic services to doctors and dentists. Can include the custom fabrication of dentures, eyeglasses, etc. See also "Medical Services."

*Landfill-sanitary:* An area of land for the disposal of non-hazardous materials and meeting the requirements of Subtitle D of the Resource and Recovery Act, as amended, and any other applicable federal, state or local regulations or requirements. The term does not include hazardous and oilfield waste disposal facilities.

*Laundry services, coin-operated:* Establishments primarily engaged in the provision of coin-

operated laundry machines to the general public with or without the incidental provision of laundry processing services for individuals by an attendant in the facility.

*Laundry services, commercial:* Establishments primarily engaged in the provision of laundering services for commercial establishments and for off-premise laundry pick-up stations. Typical uses include bulk laundry, diaper services, dry cleaning plants, or linen supply services.

*Laundry services, neighborhood:* Establishments primarily engaged in the provision of laundering and pressing services for individuals at the site of a laundry and dry cleaning pick-up station where dry cleaning services are provided at an off-premise dry cleaning plant.

*Kennel, commercial:* The keeping of any dogs, cats, or other domestic animals, regardless of number, for sale, breeding, boarding or treatment purposes except in an animal hospital, pet beauty parlor, or pet shop, as permitted by these regulations, or the keeping of five (5) or more domestic animals or fowl, six (6) months or older, on premises used for residential development, or the keeping of more than one domestic animal on vacant property or on property used for business or commercial purposes.

*Loading space:* A space within a main building or on the same lot as a main building, providing for the standing, loading or unloading of trucks, having minimum area of five hundred forty (540) square feet, minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet, and a vertical clearance of at least fourteen and one-half feet (14.5').

*Lot:* A parcel of land occupied or which may be hereafter occupied by a building and its accessory buildings, together with such open spaces and parking spaces or area as are required under this ordinance, and having its principal frontage upon an officially approved street or place.

*Lot area:* The total horizontal area within the lot lines of the lot.

*Lot, corner:* A lot abutting upon two (2) or more streets at their intersection.

*Lot coverage:* the area of the lot covered by a structure(s) exclusive of permitted overhangs.

*Lot, depth of:* The average horizontal distance between the front and rear lot lines.

*Lot, interior:* A lot other than a corner lot.

*Lot lines:* the lines bounding a lot.

*Lot of record:* A lot which is part of a subdivision, the map of which has been recorded in the

clerk of court's office or a parcel of land which became legally established and defined by deed or act of sale.

*Lot, through (double frontage):* A lot having a frontage on two (2) approximately parallel streets or places.

*Lot width:* The average horizontal distance between the side lot lines measured at the required front yard line and parallel to the front street line, or measured at the street line if no front yard is required.

*Main building:* Any building having the predominant land use which is not an accessory building.

*Marine services-barge mooring facilities:* Facilities used for the sole purpose of the temporary mooring of barges on a navigable waterway. Does not include the loading and unloading of cargo or any other activity other than temporary storage of barges.

*Marine services-boat/ship fuel area:* An area for the storage and dispensing of oil and fuel for the servicing of recreational and commercial boats and ships, and meets all state and federal safety guidelines.

*Marine services-boat sales/service:* Establishments for the sale, rental, servicing and routine maintenance, including cleaning and minor topside painting only, of recreational boats and accessories for recreational purposes. Typical uses include boat sales and service facilities.

*Marine Services-Boat and Ship Repairs:* Establishments for the repair of recreational and commercial boats and ships including sandblasting and the painting of boat bottoms.

*Marine Services-Commercial and Charter Fishing:* Private establishments providing facilities for the docking and departure of commercial and charter fishing, shrimping, or crab boats including accessory parking facilities.

*Marine Services-Marinas:* A boat basin or harbor for renting to the general public of recreational boat moorings and the mooring of official craft, including incidental uses such as marine sanitation devices, sanitary rest rooms, and dock master facilities.

*Marine Services-Retail:* Establishments for the retail sales of marine associated items including fresh seafood, bait and tackle, boat hardware and equipment, ice, soft drinks, foodstuffs and alcoholic beverages, subject to licensing requirements. Typical uses include ship's stores, chandler, sail lofts, tackle shops, dockside convenience stores, and retail seafood stores.

*Marine Services-Yacht Clubs:* A private community recreation facility accessible by water or associated with a marina facility either on the premises or in close proximity.

*Medical Services:* Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses and other health personnel, as well as the provision of medical testing and analysis services. Typical uses include medical offices, dental offices, chiropractic clinics, dental laboratories, or health maintenance organizations. Services are administered strictly on an out-patient basis.

*Military Base:* A reservation, base or other facility, including airfields, occupied by one or more branches of the United States armed forces.

*Mini Storage Warehouse:* See "Self-Storage Warehouse."

*Mobile home or trailer:* A structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and thirty-two (32) feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling or for business purposes, with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein. The term includes "doublewide" structures, as well as camp car and house car.

*Mobile home park(s) or trailer park(s):* Any tract of land developed or used for the purpose of accommodating two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes, whether or not a charge is made for such accommodations.

*Monastery:* An area containing one or more buildings used for religious retirement or of seclusion for persons under religious vows, especially monks.

*Nonconforming structure:* A building or part thereof lawfully existing on the effective date of the ordinance from which this section derives and which does not conform to all of the regulations of the district in which it is located.

*Nonconforming use:* A use which lawfully occupied a building or land on the effective date of the ordinance from which this section derives and which does not conform to the regulations of the district in which it is located.

*Nursing Home:* A home for the aged, chronically ill or incurable persons in which three or more persons not of the same immediate family are received, kept or provided with food and shelter for compensation; includes "assisted living facilities", but does not include hospitals, clinics or similar institutions that are devoted to the diagnosis and treatment of the sick or injured.

*Nursery-Plant:* Land or structures used to store flowers, shrubs, and plants primarily in containers, and other gardening associated products, for sale in retail or wholesale trade.

*Outdoor advertising:* any outdoor sign, computer generated-multi message device, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of which advertising or information content is visible from any place on the main traveled way, highway, proposed road corridor, or town-maintained street; but "outdoor advertising" does not include on-premises signs advertising or identifying activities conducted or products sold by a bona fide business on the property upon which they are located.

*Outdoor Storage:* The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

*Packing and Processing-General:* The packing or processing of agricultural crops, animals, and their by-products regardless of where they were produced or grown and which entails more than picking, cutting, sorting, and boxing or rating, and includes canning, rendering, or reduction of meat. The term does not include the tanning of animal hides.

*Packing and Processing-Limited:* The packing or processing of agricultural crops, animals, and their by-products which were produced or grown on the premises and which entails more than picking, cutting, sorting, and boxing or rating, but does not include commercial canning, rendering, tanning, or reduction of meat.

*Parking Facilities:* The use of a site for publicly owned or privately owned parking services including parking garages and parking lots that serve the public at large.

*Parking space, off-street:* A paved area not in a public street or alley and having an area of not less than one hundred eighty (180) square feet and a width of not less than eight feet (8'), exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for a motor vehicle without requiring another motor vehicle to be moved.

*Permitted structure:* A structure meeting all the requirements established by this chapter for the district in which the structure is located.

*Permitted use:* Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

*Personal Services:* Establishments or places of business primarily engaged in the provision of

frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, seamstress, tailor, shoe repair shops, or dry cleaning and laundry pick-up stations.

*Port Facilities:* The use of a site located on a major waterway, or directly accessible to a major waterway, for the purpose of the loading and unloading of bulk, container and other cargo to and from ships and barges, ship/boat building and related marine fabrication services including barge fleetings, marine fueling services, and vessel repairing including painting and sandblasting in accordance with all applicable regulations.

*Postal and Parcel Delivery Services:* Mailing services and processing as traditionally operated or leased by the United States Postal Service and includes United Parcel Service and other similar facilities.

*Principal Use:* The primary or predominate use of any lot, parcel or structure.

*Private Landing Strips:* Strips of land used for the purpose of aircraft take-offs and landings and incidental aircraft storage for non-commercial uses. Typical uses include ultralight aircraft uses and crop dusting facilities.

*Public Safety Services:* The providing of public protection by a district or entity pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

*Recreation-Community:* The use of a site for public or private recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, playgrounds, swimming and tennis facilities and community recreation buildings or public open space.

*Recreation-Indoor Sports:* Establishments or places of business primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators within an enclosed building. Typical uses include athletic clubs, bowling alleys, billiard parlors, ice and roller-skating rinks, and indoor racquetball courts.

*Recreation-Commercial Outdoor Sports:* Establishments or places of business primarily engaged in the provision of sports or recreation facilities in open, partially enclosed, or screened facilities. Typical uses include driving ranges, miniature golf courses, batting cages, golf courses, swimming pools, tennis courts, and outdoor racquetball courts.

*Recreation-Indoor Entertainment:* Predominantly spectator and participant uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, bingo halls, electronic video game centers, amusement arcades, event centers, and dance and reception halls.

*Recreation-Outdoor Entertainment:* Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, horse racing facilities, car racing facilities and amusement parks.

*Recycling Center:* - Facility used for the large scale recycling of nonhazardous waste or used products for conversion to reusable products. This includes commercial recycling of nonhazardous household waste, tire recycling and asphalt and other construction materials recycling as well as recycling transfer centers. The term does not include, and expressly prohibits, the storage or stockpiling of recyclables for more than sixty (60) days.

*Recycling Collection Point:* A collection or drop off point for small items, such as bottles and newspapers, located either in a container or small structure.

*Research Services or Laboratory-Hazardous:* Establishments engaged in research of an industrial or scientific nature which is generally provided as a service or which is conducted by and for a private firm, including medical testing and analysis, and product testing. Typical uses include bio-medical research and testing of materials that are hazardous or produce hazardous by-products.

*Residential/Single-Family Residential:* The use of a site for only one (1) dwelling unit.

*Residential/Duplex Residential:* The use of a site for two dwelling units within a single building.

*Residential/Two-Family Residential:* The use of a site for two dwelling units, each in a separate building.

*Residential/Townhouse Residential:* The use of a site for two or more townhouse dwelling units, constructed with common or abutting walls and with each unit located on a separate subdivided parcel of ground within the total development site, providing for the individual ownership of each unit and the parcel of ground upon which it rests, as well as the direct or indirect ownership by all the unit owners on a proportional, undivided basis the common areas and facilities serving all dwelling units within the townhouse group.

*Residential/Condominium Residential:* The use of a site for a building or group of buildings forming a series of attached dwelling units constructed with common or abutting walls and located on a commonly owned site, where the units are owned individually and the land, structure(s), common areas and facilities are owned directly or indirectly by all the unit owners on a proportional, undivided basis.

*Residential/Mobile Home Park:* The use of one (1) tract or parcel of land for the residential occupancy of three (3) or more mobile home units, each with individual sites and spacing.

*Residential/Mobile Home:* The use of a site for the residential occupancy of mobile home units. Typical uses include mobile home subdivisions, or individual mobile homes on one (1) site or lot but not mobile home parks.

*Residential/Multiple-Family Residential:* The use of a site for three or more dwelling units, within one or more buildings.

*Resource Extraction:* A use involving the on-site extraction of surface or subsurface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

*Restaurants-Drive-in:* A retail outlet where food or beverages are sold and served, to a substantial extent, for consumption by customers in parked motor vehicles and where the food order is placed from an individual station at the parked vehicle.

*Restaurants-Fast Food:* An establishment that offers quick food service, accomplished through a limited menu of items already prepared and held for service, or prepared quickly, or heated in a device such as a microwave oven. Orders are not taken at a customer's table and food is generally served in disposable wrapping or containers. Fast food establishments may or may not deliver food or beverages to customers in motor vehicles at drive-up windows.

*Restaurants-Outdoor Fast Food:* A fast-food restaurant establishment without indoor seating where prepared food is sold for consumption either off the premises or on the premises in outdoor seating areas provided by the establishment for the use of patrons. Typical uses include snowball stands and sandwich shops.

*Restaurants-Sit-down:* A business establishment whose principal business is the selling of food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, where the customer consumes these foods while seated at tables or counters located within the building, where alcoholic beverages may be served but where at least 80% of the gross revenues and 80% of the establishment area are devoted to food sales.

*Retail Sales-Convenience:* An establishment for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically herein. Typical uses include corner grocery store, convenience stores, etc.

*Retail Sales-General:* An establishment for the sale or rental of commonly used goods and merchandise for personal or household use excluding those uses specifically classified herein. Typical uses include department stores, discount stores, drug stores, pawn shops, camera stores, or establishments providing the following products or services: paint, wallpaper, carpeting and floor covering; and automotive parts and accessories, excluding service and installation.

*Rooming house:* A building other than an apartment hotel, a hotel, motel, or motor lodge where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons but containing less than twenty (20) sleeping rooms.

*Schools-Public and Private Primary and Middle Educational Facilities:* A public, private or parochial school offering instruction at the elementary and middle school level in the branches of learning and study required to be taught in the public schools of the state of Louisiana.

*Schools-Public and Private Secondary Educational Facilities:* A public, private or parochial school offering instructions at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state of Louisiana.

*Schools-Vocational-Technical, Community, Trade or Industrial:* A public or private establishment offering basic classes (English, math, history, etc.) and/or training to students in the skills required for the practice of trades, technical enterprises, and industrial occupations.

*Seafood store, retail:* A business establishment dealing primarily in the wholesale and/or retail sale of any type of seafood, whether processed or unprocessed; a seafood shop, as defined herein, is used as a business independent of any "restaurant" or "grocery store" as defined herein.

*Self Storage Warehouse:* A building or group of buildings in a controlled access compound consisting of individual, small, self-contained units that are leased or owned primarily for the storage of the personal effects and household goods of individuals and for storage of materials for the operation of businesses located elsewhere, excluding materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. Incidental uses in connection with storage facilities may include the repair and maintenance of stored materials, excluding automobiles or other vehicles, by the tenant but in no case may storage spaces function as an independent retail, wholesale, business or service use. In addition, spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of said space shall be limited to that required to transport, arrange, and maintain stored material.

*Service Station:* (see "Automotive, Service Station")

*Shopping Center, Neighborhood:* A multi-tenant commercial development consisting of uses permitted within the district in which it is located and a maximum of 25,000 square feet of gross leaseable area overall.

*Shopping Center, Major:* A multi-tenant commercial development consisting of uses permitted within the district in which it is located and greater than 25,000 square feet of gross leaseable area.

*Sign face:* The surface or that portion of an outdoor advertising structure on which one (1) advertising message is posted or painted or that portion of an outdoor advertising structure on which a computer generated, multi-message/advertisements are displayed.

*Stable, Private:* A separate accessory building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises or others and are kept for compensation, hire or sale.

*Row houses-condominiums:* Any land or building and parts of a building thereon which would normally be used by all the occupants such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements together with individual ownership of a particular unit or apartment in such building.

*Row house-town houses.* A single-family dwelling forming one of a group of series of two (2) or more attached single-family dwellings separated from one another by party walls without doors, windows or other provisions for human passage or visibility through such walls from basement or cellar to roof.

*Site plan:* A drawing illustrating a proposed development and prepared in accordance with the specifications of Section 15.05 of Article 15.

*Story:* That portion of a building, (other than a cellar, or a basement used for dwelling purposes), included between the surface or any floor and the surface of the floor next above it. A cellar or basement being used for dwelling purposes shall be considered as a story.

*Street:* A public or private thoroughfare which affords the principal means of access to abutting property.

*Street line:* A line separating a lot, tract, or parcel of land and an abutting street right of way.

*Street, major:* A street designated as such on the officially adopted major street plan of the city.

*Structural alterations:* Any changes in the supporting members of a building, such as footings, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or

in the exterior walls, excepting such repair as may be required by an official governmental agency for the safety of the building.

*Structure:* Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, backstops for tennis courts and pergolas.

*Swimming pool.* Any portable pool or permanent structure containing a body of water eighteen inches (18") or more in depth and two hundred fifty (250) square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or be used for swimming or wading.

*Taxidermy:* An establishment for the mounting of animals for trophies and other displays.

*Tavern-Bar or Lounge:* Any premises where the principle business is the sale of alcoholic beverages at retail for consumption on the premises, where minors are excluded therefrom by law, and where incidental service of food may or may not occur, provided ~~not~~ more than 20% of the patron area is used for the consumption of alcoholic beverages. Typical uses include cocktail lounges and piano bars. All such uses must comply with the requirements of the Town "Alcoholic Beverages" ordinance.

*Telecommunication Tower:* A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure.

*Theatre:* A building or part of a building devoted to showing motion pictures or for dramatic, musical, or other live performances before an audience.

*Timberland:* Undeveloped land where natural or planted trees are harvested for commercial purposes, such as for sale to be used as pulp, pilings, and lumber or other such uses.

*Town house:* A single-family dwelling forming one of a group or series of three (3) or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.

*Truck and Heavy Equipment Sales/Rental/Service:* Sale or rental of trucks of one (1) ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include

truck dealerships, construction equipment dealerships, and mobile home sales establishments.

*Truck Stop:* A building site and structure or structures which sells fuel, lubricating oil and/or other vehicular merchandise such as batteries, tires or vehicle parts for eighteen-wheel tractor-trailers and which includes an on-site repair service facility for eighteen-wheel tractor-trailer motor vehicles and an on-site restaurant facility.

- a. *Truck stop with gaming devices:* Shall be defined as a truck stop as set out above and/or which fulfills the requirements for a qualified truck stop set out in R.S. 27:306(A) as may be amended and which includes video draw poker devices as defined in R.S. 27:301 as may be amended.

*Unit designation:* The number, letter or combination thereof or any other official designation identifying a particular unit in the condominium declaration.

*Utilities, Major Services:* Municipal or private services and utilities which have substantial impact. Typical uses are sanitary landfills, construction landfills, oxidation ponds, airports, railroad lines, detention and correctional institutions, mass transit waiting stations.

*Utilities, Minor:* Municipal or private utilities that have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are sewerage lift stations, electrical and gas distribution substations, and radio, microwave, and telephone transmitters.

*Uses Permitted as Exceptions:* Planning approval necessary.

*Warehouse, Storage and Distribution, Heavy:* Open-air storage, distribution, and handling of materials and equipment. Typical uses include stone or prefabricated concrete yards, grain elevators, offshore heavy equipment storage related to the oil and/or maritime industry.

*Warehouse, Storage and Distribution, Light:* Bulk storage and warehousing services. Typical uses include pipe yards, bulk distributors of manufactured products and food products, including seafood business and industrial storage warehouses or moving and storage firms.

*Wholesale Trade:* Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

*Wireless Facility:* The tower, antennae, relay equipment, perimeter fences and other equipment or buildings necessary for the operation of wireless reception and transmission.

*Woodland:* Undeveloped land not being cultivated or harvested for commercial operations such as timber or other agricultural activities and where no commercial activities are permitted.

*Yard, front:* An open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the street line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and front property line.

*Yard, rear:* An open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the rear line of the building site and the rear line of the building projected to the sidelines of the building site. The depth of the rear yard shall be measured between the rear line of the building site and the rear line of the building.

*Yard, side:* An open, unoccupied space on the same building site with a main building, situated between the side line of the building and the adjacent side line of the building site and extending from the rear line of the front yard to the front line of the rear yard; if no front yard is provided, the front boundary of the side yard shall be the front line of the building site and, if no rear yard is provided, the rear boundary of the side yard shall be the rear line of the building site.